



UPDATE
Public Works and Safety Committee
Standing Committee Meeting Agenda
Monday, October 22, 2018
5:00 PM

Location:

Municipal Office Building
701 N 7th Street
Kansas City, Kansas 66101
5th Floor Conference Room (Suite 515)

Name

Absent

Commissioner Melissa Bynum, Chair
Commissioner Harold Johnson
Commissioner Mike Kane
Commissioner Angela Markley
Commissioner Jane Philbrook
Tom Groneman, BPU Board Member

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I. Call to Order/Roll Call

Revisions to October 22, 2018 Agenda

Blue Sheet: Clerical Error – Item No. 6 – Two Ordinances: Motorized Stand-Up Scooters and Shared Small Vehicle Programs

II.

New Item – Item No. 12 – Grant Award: FEMA (FY) 2017 Assistance to FireFighters Grant Program.

III. Approval of standing committee minutes from August 27, 2018.

IV. Committee Agenda

Item No. 1 - GRANT AWARD: FY18 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

Synopsis: The Police Department's application for the FY18 Edward Byrne Memorial Justice Assistance Grant, in the amount of \$104,142, has been accepted and awarded by the U.S. Department of Justice, submitted by Laura Cromwell, Professional Fiscal Assistant, Police Department.

On September 13, 2018, the Commission unanimously approved the submission and acceptance of this grant.

For information only.

Tracking #: 18460

Item No. 2 - GRANT AWARD: FY18 STRATEGIES FOR POLICING INNOVATION

Synopsis: The Police Department's application for the FY2018 Strategies for Policing Innovation Grant, in the amount of \$700,000, has been accepted and awarded by the U.S. Department of Justice, submitted by Laura Cromwell, Professional Fiscal Assistant, Police Department.

On May 31, 2018, the Commission unanimously approved the submission and acceptance of this grant.

For information only.

Tracking #: 18463

Item No. 3 - REPORT: SOLID WASTE PLAN AND UPDATE

Synopsis: Request approval of the Solid Waste Planning Committee's annual report of the Wyandotte County Solid Waste Plan, as required by the Kansas Department of Health and Environment (KDHE); and an update on Waste Management Operations, submitted by Kirk Suther, Public Works.

Tracking #: 18449

Item No. 4 - ORDINANCE: MCIMETRO (VERIZON) FRANCHISE

Synopsis: An ordinance granting to MCImetro Access Transmission Services Corp. DBA Verizon Access Transmission Services a fiber optic cable franchise, submitted by Alan Howze, Chief Knowledge Officer.

Tracking #: 18457

Item No. 5 - ORDINANCE AMENDMENTS: CHAPTER 35, SEC. 35-281

Synopsis: Request revision to City Ordinance Chapter 35, Sec. 35-281, speed limits in residential areas and city parks, submitted by Lideana LaBoy, Traffic Engineer.

Tracking #: 18461

Item No. 6 - TWO ORDINANCES: MOTORIZED STAND-UP SCOOTERS AND SHARED SMALL VEHICLE PROGRAMS

Synopsis: Two ordinances amending Chapter 35 - Traffic, to allow motorized stand-up scooters and shared small vehicle programs, and providing related traffic rules and regulations, submitted by Patrick Waters, Senior Attorney.

Tracking #: 18451

Item No. 7 - PRESENTATION AND RESOLUTION: URBAN TRAILS/BIKE LANES PROJECT

Synopsis: Presentation on the Urban Trail System and a resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be acquired for the multi-phase Urban Trails/Bike Lanes project, submitted by Rob Richardson, Director of Planning.

Tracking #: 18462

Item No. 8 - RESOLUTION: SAFE ROUTES TO SCHOOL PHASE F

Synopsis: A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be acquired for the Safe Routes to School project, Phase F (William A. White Elementary/West Middle School along Welborn Lane from Georgia Ave. to N. 45th St., and Frances Willard Elementary School along Orville Avenue from N. 28th St. to N. 36th St.), CMIP 1613, submitted James Bain, Assistant Counsel.

Tracking #: 18446

Item No. 9 - PRESENTATION: 2018 FIREWORKS REPORT

Synopsis: Presentation of the 2018 Fireworks report, submitted by John Droppelmann, Fire Marshal.

For information only.

Tracking #: 18444

Item No. 10 - UPDATE: NEW FIRE STATION

Synopsis: Update on the new fire station, submitted by John Kelly, Director of Buildings & Logistics.

For information only.

Tracking #: 18465

Item No. 11 - 2019 PUBLIC WORKS CMIP PRESENTATION

Synopsis: Overview of the major capital improvement projects that will be undertaken by the Public Works Department during the 2019 year, and a recap of some of the projects that are carrying over from 2018, submitted by Jeff Fisher, Public Works Director.

For information only.

Tracking #: 18466

Item No. 12 - GRANT AWARD: FEMA (FY)2017 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

Synopsis: The Fire Department's Fire Prevention Division's application for the FEMA (FY) 2017 Assistance to Firefighters Grant Program - Fire Prevention and Safety Grant in the amount of \$112,024.00, has been accepted and awarded by the Department of Homeland Security, submitted by John Droppelmann, Fire Marshal, Fire Department.

For information only.

V. **Public Agenda**

VI. **Adjourn**

**AGENDA UPDATE
PUBLIC WORKS AND SAFETY
STANDING COMMITTEE MEETING
MONDAY, OCTOBER 22, 2018**

IV. COMMITTEE AGENDA

CLERICAL ERROR

**ITEM NO. 6 – 18451...TWO ORDINANCES: MOTORIZED STAND-UP
SCOOTERS AND SHARED SMALL VEHICLE
PROGRAMS**

Synopsis: Submission of three ordinances; not two, amending Chapter 35 – Traffic, to allow motorized stand-up scooters and shared small vehicle programs, and providing related traffic rules and regulations, submitted by Patrick Waters, Senior Attorney.

(Note: All three ordinances were previously submitted in the Agenda Packet.)

NEW ITEM

**ITEM NO. 12 – 18468...GRANT AWARD: FEMA (FY)2017 ASSISTANCE TO
FIREFIGHTERS GRANT PROGRAM**

Synopsis: The Fire Department's Fire Prevention Division's application for the FEMA (FY) 2017 Assistance to Firefighters Grant Program - Fire Prevention and Safety Grant in the amount of \$112,024.00, has been accepted and awarded by the Department of Homeland Security, submitted by John Droppelmann, Fire Marshal, Fire Department.

For information only.

18468



Michael Callahan
Fire Chief

KANSAS CITY KANSAS FIRE DEPARTMENT
Division of Fire Prevention

John Droppelmann, Fire Marshal
Fire Headquarters Building
815 North 6th Street
Kansas City, Kansas 66101



Phone: 573-5938
Fax: 551-0490

SUBJECT: Grant award notification to Safety Standing Committee

RECIPIENTS: County Administrator, Doug Bach
Assistant County Administrator, Joe Connor
Unified Government Clerk, Bridgette Cobbins
Deputy County Clerk, Carol Godsil

Synopsis: The Fire Department's Fire Prevention Division's application for the FEMA (FY) 2017 Assistance to Firefighters Grant Program – Fire Prevention and Safety Grant in the amount of \$112,024.00 has been accepted and awarded by the Department of Homeland Security, submitted by John Droppelmann, Fire Marshal, Fire Department.

Grant Summary: This Fire Investigations Unit is the benefactor of this grant. This grant will allow the Fire Investigations Unit to engineer and deploy a 'pole camera' system for gathering evidence in arson cases. The Investigations Unit has identified areas of the City where it is common for stolen vehicles to be 'abandoned and set on fire', abandoned structures under reconstruction to be 'burglarized and set on fire', and persons of interest that are routinely associated with arson fires. This camera system will allow for surveillance of these pre-determined areas to be monitored in real time without having to dedicate additional personnel to this task.

This grant was applied for three times over the past three years with this year finally being successful. This FEMA grant has a 5% cost match of \$5,601.00 that the Fire Department will fulfill with current operating funds and in-kind services. The Fire Marshal's office has a target date of late winter/early spring of 2019 for the implementation of this system. When the system becomes fully operational the surrounding municipal fire investigations community will be allowed/encouraged to partner with the KCKFD Fire Investigations Unit to expand the system where needed.

Respectfully,

John Droppelman, Fire Marshal KCKFD

**PUBLIC WORKS AND SAFETY
STANDING COMMITTEE MINUTES
Monday, August 27, 2018**

The meeting of the Public Works and Safety Standing Committee was held on Monday, August 27, at 5:00 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner Bynum, Chairman; Commissioners Philbrook, Markley, Kane, Johnson; and BPU Board Member Tom Groneman. The following officials were also in attendance: Gordon Criswell and Joe Connor, Assistant County Administrators; Susan Alig, Assistant Counsel; Carol Godsil, Deputy Unified Government Clerk; Brandon Grover, Asset Coordination Manager for Public Works; Michael Callahan, Fire Chief; Jack Andrade, Assistant Fire Chief; Kirk Suther, Program Coordinator in Public Works; Tim Nick, Operation & Maintenance Superintendent in Building & Logistics; Jeremy Rogers, Director of Parks & Recreation; Jeff Fisher, Executive Director of Public Works; Wilba Miller, Community Development Director; Logan Masenthin, Professional Assistant in General Services; Kathleen VonAchen, Chief Financial Officer; Emerick Cross, Commission Liaison; Lynn Melton, Assistant to the Mayor; and Jay Doleshal, Sergeant-at-Arms.

Chairman Bynum called the meeting to order. Roll call was taken and all members were present as shown above.

Approval of standing committee minutes from June 18, 2018. **On motion of BPU Board Member Groneman, seconded by Commissioner Johnson, the minutes were approved.** Motion carried unanimously.

Committee Agenda:

Item No. 1 – 18343...RESOLUTION: INTERLOCAL AGREEMENT WITH FAIRFAX DRAINAGE DISTRICT

Synopsis: A resolution authorizing approval to enter into an interlocal agreement with Fairfax Drainage District for the joint use of sewer infrastructure, submitted by Susan Alig, Assistant Counsel.

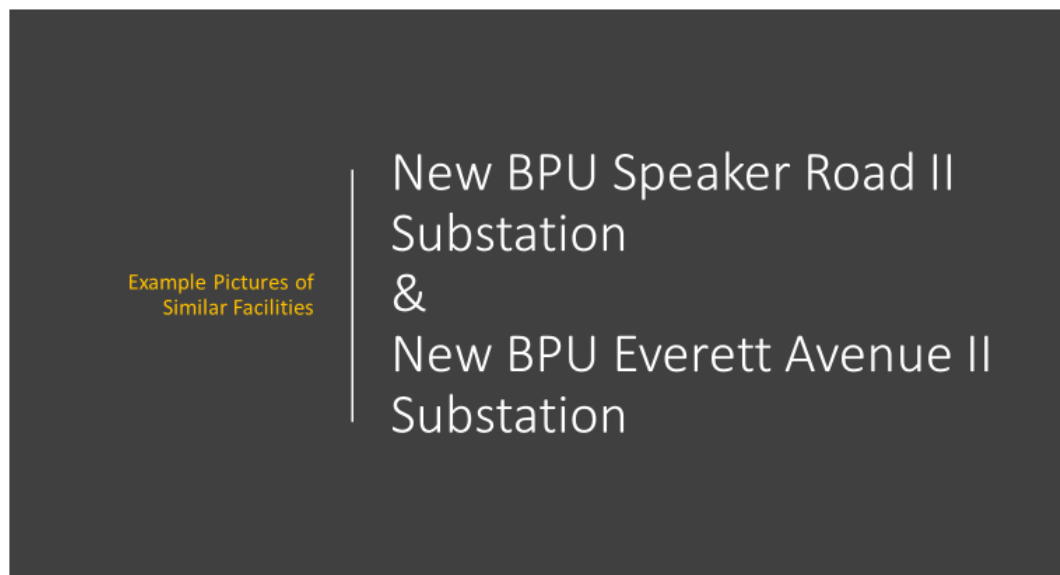
Susan Alig, Assistant Counsel, said this agreement is an interlocal agreement between the Unified Government and the Fairfax Drainage District. Essentially, the Fairfax Drainage District operates a sewer system. Some of our water goes into their sewer system. This agreement has us paying for an allocated part of what we use. It pays for the sewer cleaning and maintenance necessitated by our use. There is one change from past years. Previously, we've brought a resolution to you each year to authorize this. This agreement is a 10-year agreement, and it includes prices for the next 10 years.

Action: **Commissioner Markley made a motion, seconded by Commissioner Philbrook, to approve.** Roll call was taken and there were six "Ayes," Groneman, Philbrook, Markley, Kane, Johnson, Bynum.

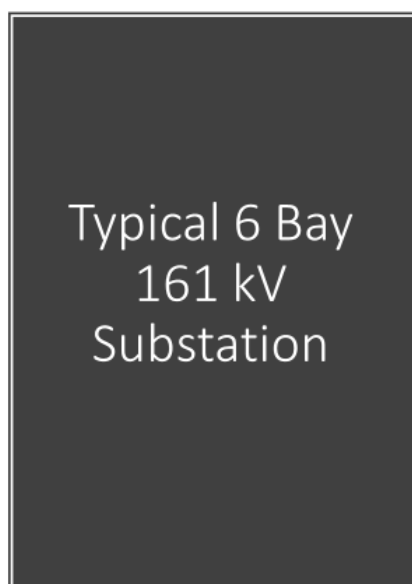
Item No. 2 – 18358...RESOLUTION: NEW BPU SPEAKER ROAD II SUBSTATION

Synopsis: A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary for the construction, maintenance, operation, use and repair of the new BPU 161kV distribution substation located at 4417 Speaker Road, submitted by Susan Alig, Assistant Counsel.

Susan Alig, Assistant Counsel, said this is a survey resolution that would start the land acquisition process for this project. We have Pat Morrill here from BPU who can give a little more information about what it will do and what it will look like.



Pat Morrill, Board of Public Utilities, said BPU is in the process of acquiring property for two new substations for the utility. Both substations are replacing existing 69kV substations that are 60+ years old. Basically, we're here to acquire property for the Speaker Sub down on Speaker Road and Everett Substation which is north of State Avenue.



The Speaker Substation, the new substation will be similar designed to the Piper Substation as shown here. It's a 6-bay, 161kV substation. It will have three 161kV transmission lines that interconnect to the substation for reliability purposes. There will be initially two transformers

and set of switch gear that will basically replace the existing 69kV substation. There is room for a third transformer if growth in the area requires it.

Existing 4
Bay 161kV
Substation



The Everett Substation will be a 4-bay, 161kV substation of similar design to this substation. It will have room for two transmission lines, 161kV. One of the lines will interconnect to Speaker Substation and the other line will go to the Quindaro Substation. Again, it will have two transformers and two sets of switch gears that will serve the surrounding community.

Typical
161kV
Transmission
Pole



The transmission lines that will interconnect these substations will be similar to what's installed around the community now. Again, they are tall, 161kV structures. We'll probably have underbuild 15kV distribution circuits on them.

Commissioner Markley said you said these are replacing existing stations. Where are those existing stations and are they—**Mr. Morrill** said the existing Speaker Substation is right across the street from the new proposed substation. The existing Everett Substation is on the adjacent property.

Commissioner Kane said the one you guys put in Wolcott, is that in use yet? **Mr. Morrill** said yes, it is. It's fully in use. It connects to Westar Weatherby Substation to the north. It connects to the BPU Maywood Substation to the south and to Piper Substation to the west. There is room for an additional transmission line to go to the Nearman Power Plant.

Commissioner Philbrook said you said the last one has been in use for almost 60 years. **Mr. Morrill** said yes. **Commissioner Philbrook** asked what do you think the life of these two are going to be. **Mr. Morrill** said these will be extended out 50 to 60 years if not more. If you maintain the equipment in good, reliable condition, it will last for a long time. **Commissioner Philbrook** said oh good, I won't have to vote on it again.

Chairman Bynum said, Mr. Groneman, as our BPU Board representative, do you have anything to add on this? **BPU Board Member Groneman** said I would like to make a motion.

Action: **BPU Board Member Groneman made a motion, seconded by Commissioner Kane, to approve.**

Chairman Bynum said I have one quick question that applies to both of these and then we'll vote. Just to be clear, it's the BPU's project, but it's the Unified Government's job to do this portion of the acquisition of the property. Is that correct? **Ms. Alig** said that's correct.

Commissioner Philbrook said I forgot to ask you. What are we doing with the property that you're taking—you're getting rid of the other substations? **Mr. Morrill** said the Everett

Substation property will be incorporated into the new substation. The Speaker Substation, that's across the way, will basically be decommissioned and put back in to where it could be used by the public. Somebody could buy it.

Roll call was taken and there were six "Ayes," Groneman, Philbrook, Markley, Kane, Johnson, Bynum.

Item No. 3 – 18359...RESOLUTION: NEW BPU EVERETT AVENUE II SUBSTATION

Synopsis: A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary for the construction, maintenance, operation, use and repair of the new BPU 161kV distribution substation located at 4401 Everett Avenue, submitted by Susan Alig, Assistant Counsel.

Action: BPU Board Member Groneman made a motion, seconded by Commissioner Kane, to approve. Roll call was taken and there were six "Ayes," Groneman, Philbrook, Markley, Kane, Johnson, Bynum.

Item No. 4 – 18360...RESOLUTION: PIPER CREEK REGIONAL IMPROVEMENT

Synopsis: A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary for the construction, maintenance, operation, use and repair of the Piper Creek Regional Improvements, Phase 1, submitted by Susan Alig, Assistant Counsel.



Kristofer Finger, Public Works, said I'm here to present on Piper Creek. What we're looking at here, we have currently development starting at the top of the base and developing down. We're having to pump all those flows, the gravity flow to the west over to the east and to the Connor Creek basin for treatment and conveyance. Instead of limping along with constantly adding pump stations, we're moving ahead with the project to install gravity sewer interceptor to a brand new regional pump station. They can then pump it all back and it will give us a 20-year timeframe or better.

Chairman Bynum said this is a resolution for—**Mr. Finger** said survey—**Chairman Bynum** said acquiring any land we might deem necessary for this project. **Mr. Finger** said yes. **Chairman Bynum** said this is sewers in Piper. Is this connected at all to the new school project being built in Piper? **Mr. Finger** said that is one of the developments that we have taken into consideration with this project. That would be the green square there. The red ones would be proposed development of residential units in the next five years. That's our five-year projection. We actually projected out 20 years to work with the Planning Department. **Chairman Bynum** said so part of it is directly for the school. **Mr. Finger** said they're one of the people driving this project at this point, not the only one, but one of them.

Commissioner Kane said so we don't run into the same condition that we're running into with the KCK School District, I would think you would get all the parties together now prior to even thinking about doing any work to say who is going to pay for this and who is going to pay for

that and let's have it upfront. **Chairman Bynum** said yes, that's part of why I asked the question. This project is approved in our CMIP.

Jeff Fisher, Executive Director of Public Works, said staff has been working with the school district. We first met two or three years ago about this project and have been working together since. We've been working on a development agreement for the sewer and road improvements.

Chairman Bynum said I would like to know the dollar amount of this project. **Mr. Finger** said the total dollar amount that we anticipate for both design, construction, and easement acquisition is \$7.5M for Phase 1, another \$4M for Phase 2.

Commissioner Kane said when we get further along this, I'd like them to come back and tell us how they're doing. **Chairman Bynum** said absolutely.

Commissioner Philbrook asked how long is Phase 1. What's the timeframe on that? **Mr. Finger** said Phase 1 will be developed, in the ground, and operable by August 2020 so the school can open. That will also tie into at least two of the three main developments that are interested in the area as well. They're ready to move forward with their own development plans. **Commissioner Philbrook** said great.

Commissioner Philbrook asked Phase 2 looks like what. **Mr. Finger** said we're anticipating about a five to eight-year gap between Phase 1 and Phase 2. Phase 2 will be developing further up the basin to allow more people to be served by gravity and open up the overall basin for further growth and development. **Commissioner Philbrook** said when you say a five to eight-year gap, do you mean from beginning it to ending it. **Mr. Finger** said from the end of this construction to when we feel it might be prudent to start that one. **Commissioner Philbrook** said so when you finish this one in 2020, then you start on the next one. It might take five to eight years or you're going to wait to five years? **Mr. Finger** said we'll wait five or so years and see what the interest is. Right now, through our discussions with Planning and the interest, we're expecting the development to trigger in the next five to eight.

Mr. Fisher said just to add a couple of things. The development agreement with the school district will include contributions from the school district to both projects. Also, all the fees associated with the sewer are recovered through fees—all the costs are recovered through fees. **Chairman Bynum** said good to know.

Chairman Bynum said just to recap quickly, this item is the authorization for any property that might be needed to be acquired for this project. **Ms. Alig** said yes.

Action: **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve.** Roll call was taken and there were six “Ayes,” Groneman, Philbrook, Markley, Kane, Johnson, Bynum.

Item No. 5 – 18361...RESOLUTION: DONATION OF FIRE DEPARTMENT EQUIPMENT TO KCKCC AND URUAPAN, MEXICO

Synopsis: A resolution authorizing loaning 40 Luxfer SCBA airpacks to KCKCC and donating 200 MSA airpacks and a Bauer Compressor to the government of Uruapan, Michoacán, Mexico, submitted by Patrick Waters, Senior Attorney.

Patrick Waters, Senior Attorney, said the Fire Department has certain equipment that has become absolute for its purposes; however, certain other entities here, the community college and our Sister City in Mexico, have indicated that they would have a need for this equipment. They would like to loan and donate this equipment.

Chairman Bynum said when we say loan, does that mean at some point they’re going to try to give it back. **Jack Andrade, Assistant Fire Chief,** said no. At some point, if we need it; however, we work closely with KCK Community College. We send our trainees and also our local recruit classes over there to utilize that equipment. That’s why we say loan is that they would loan it back to us if we need it for larger class sizes.

Action: **Commissioner Markley made a motion, seconded by Commissioner Philbrook, to approve.** Roll call was taken and there were six “Ayes,” Groneman, Philbrook, Markley, Kane, Johnson, Bynum.

August 27, 2018

(Prior to Commissioner Kane voting, he questioned if he was allowed to vote. **Ms. Alig** asked what's the concern. **Commissioner Kane** said wow, what a moment. **Joe Connor, Assistant County Administrator**, said I don't think it has anything to do with the other issues you asked about previously so I think this is probably okay.)

Item No. 6 – 18365...GRANT: FY18 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

Synopsis: Request approval to apply for and accept the FY18 Edward Byrne Memorial Justice Assistance Grant in the amount of \$104,142, submitted by Laura Cromwell, Professional Fiscal Assistant, Police Department. There is no match required for this grant.

Laura Cromwell, Professional Fiscal Assistant, Police Dept., said I'm here with Assistant Chief Waldeck, Major Halmark, and Captain Herron. The PD received notification of the Federal Fiscal Year '18 Edward Byrne Memorial Justice Assistance Grant a few weeks ago, and we are seeking approval to both apply for and accept this award. This particular grant is considered both an entitlement grant as well as a formula grant. We are entitled to this funding through this grant program because we are a law enforcement agency and have the requisite crime data. The amount of funding we are entitled to is determined by a formula that incorporates both our population and our violent crimes statistics.

This year's allocated amount based on that formula is \$104,142. The PD would like to use that money to purchase the following items. The first project would be to fund gas masks irritant filters for all sworn personnel. This would provide a more reliable and economical solution for gas mask filter replacements. The current filters are expired and they can only be used one time so they're looking to replace these with multi-use filters that can also be used for training purposes. This particular project would be about \$15,700.

The second project they're looking to expend some money on would be to provide training materials for the crisis intervention team. These trainings are hosted by the Police Department in conjunction with health care professionals and addiction professionals to provide training on how best to interact with people with mental health issues. Currently, we provide these trainings with no operating budget. They're looking to expand that training and train more—I know Major Quinn wants to train 100% of PD personnel. We're looking to fund that project.

Lastly, the bulk of our funding would be used to provide updated equipment for our Special Operations Unit. Specific items would be: new sights for sub guns, portable tactical surveillance equipment, gas masks, portable rifle-grade ballistic shields, and night vision for long guns.

For these three projects, the total request would be \$104,008, which would just be a smidge under what we're allocated so that would allow for some wiggle room on pricing of any of these objects. The other thing to point out is these projects will be 100% federally funded with no match requirement from the UG.

Chairman Bynum said I do have a quick comment. Number one, I love the no match requirement part. I appreciate the inclusion of the CIT materials. I know in the past we've not had any money for the materials and things that might be needed. That class is so important. I read in the agenda packet that it speaks to keeping our officers safe, which certainly is extremely important. The other thing it does, it keeps the public safe. It's just a really valuable training, so I just wanted to stop and highlight how much I appreciate including those materials in this grant.

Action: **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve.** Roll call was taken and there were six "Ayes," Groneman, Philbrook, Markley, Kane, Johnson, Bynum.

Item No. 7 – 18371...PRESENTATION: REMOVAL/DECOMMISSION OF THE 18TH STREET #210 BRIDGE

Synopsis: Presentation regarding removal/decommission of the 18th Street #210 Bridge due to unsafe status, submitted by Brent Thompson, Director of Engineering/County Surveyor.



Brandon Grover, Asset Coordination Manager for Public Works, said up here with me, I've got Troy Shaw, County Engineer, and Jeremy Rodgers, our Director of Parks and Recs, who will have a key piece in this in the future potential.

Why Are We Discussing Bridge?

- Currently Closed
- Recent Damage
 - Bridge Overtopping
 - Superstructure Shifting
 - Abutment Cracking
 - Foundation Deterioration
- Turkey Creek Drainage / Levee Study
 - Bridge too Low for Current Standards
 - Floodway Constraints

What we're here to do tonight is discuss Bridge #210. If anybody has driven down this bridge, you'll remember it. It's on 18th Street, south of Merriam Lane. It actually joins over Turkey Creek two pieces of House of Rocks' property. Currently, this is a bridge that was built in 1940, so 78 years ago. It was originally constructed out of two box cranes, two pieces of it, and is spanned by wooden timbers that have just been asphalt overlay. You'll see from pictures here in

a little bit that some of the asphalt has been washed away since and the wood timbers are visible and you can see straight through down to the creek.

With the storms that came up last year, there was some damage that occurred to the bridge. Staff went out and evaluated it at our level and also with consultants who routinely evaluate our bridges, and determined it was best to close this at that time given that it couldn't really handle the load that was going over it. Currently, the load rating on it is about 4 tons, which as anybody knows, it's really not a whole lot for a true bridge. It's only one lane wide so it's kind of tricky to get across sometimes. It actually costs us quite a bit of money. Because this is in such bad shape, we have to spend a minimum of \$6,000 a year for an annual inspection; plus, every time there is a rain event over a quarter of an inch, we have to have another inspection done at the cost of \$2,500. So, there are a lot of those that happen during the course of the year.



As I mentioned, there have been some damage. As you can see from the picture on the left, chunks of asphalt with the wooden timbers showing straight through. Other damages that occurred during the storms last year was this guardrail was removed. In the middle picture, you can see large vertical cracking happening in the bridge abutments. In the right-hand picture, you can see large scour holes underneath the abutments where water is getting in and washing away underneath the abutment.

Recent Damage



You can also see where separation of the abutment pads has happened, large debris getting caught in the bridge itself, and the girders themselves. Because of them being box construction, as soon as moisture gets in them, they just sit, settle, and rust. There are many holes over this span.

Current Public Works Plan

- Remove Bridge #210 in 2019
 - Currently \$150k in the budget for this project.
- Restore the Turkey Creek Channel to natural conditions



Our current plan, as we put in the CMIP for \$150,000 next year, is to remove this bridge and clean it up to modern standards to allow Turkey Creek to flow and function properly. Currently, because of the height of this bridge, it is actually in the flood—it doesn't match the current flood elevations that the Corps has set forth. Removing it is really the only option at this time. We

can't really rehab it. In the future, we do have two potential options we've been looking at since this is closed.

Option #1 – Replacement/Rebuild of New Bridge



The first option is to rebuild and replace a new bridge at this location.

Replacement Factors

- Current Estimate: \$5.9 Million
- Must Raise 8 Plus Feet
 - Per levee study completed by the ACOE
- Span Floodway
- Site Constraints
 - At-Grade Rail Road Crossing
 - Vertical Clearance at I-35
 - Right-of-Way, Utility Easement and Topography
 - House of Rocks property access



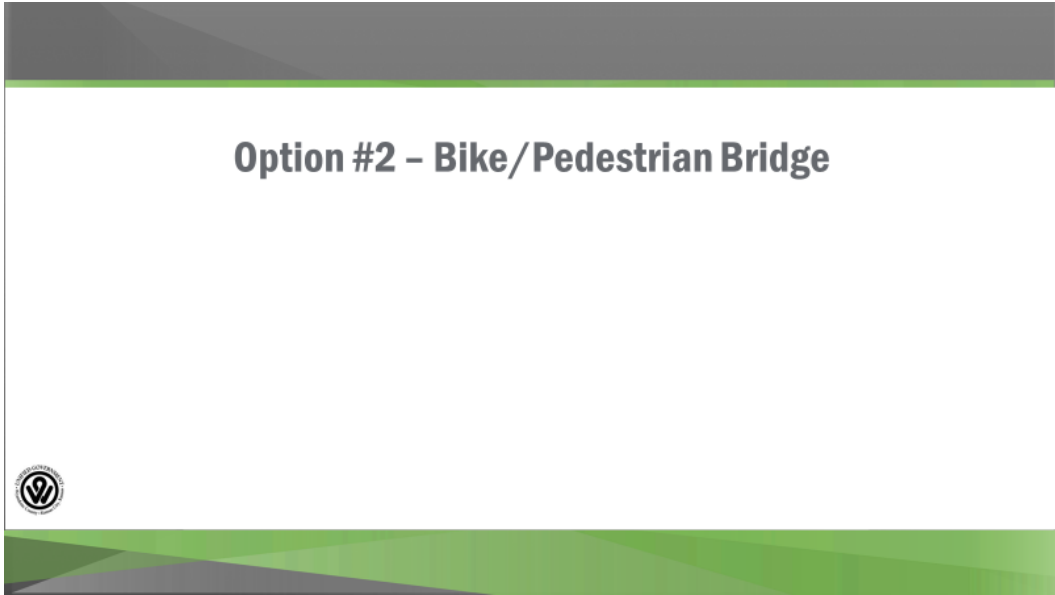
Current estimates, looking at that, range right now from about \$5.5M to \$6.5M, depending on what design we decide to go with. We can evaluate that further if a vehicle bridge is the desired option from the Commission.

Key things to keep in mind is we must raise the bridge at least eight feet to meet the new standards set forth by the Corps. This will span most of the floodway that way this blue

highlighted area doesn't continually backup because of water and obstructions hitting the bridge. Other things to consider, there is a railroad crossing right down here that is at grade. We'll have to make sure that we get down in front of that in time, improve the crossing for heavier traffic flow, and then get back around to underneath I-35. If we decide to span that, we'll have to go over that by a minimum of 25 feet and then back down under I-35, which creates some grade issues. That's what we mean by the vertical clearance of I-35, at-grade railroad crossings.

Other right-of-way considerations: utility easements and maintaining access to the House of Rocks. As you can see in this red highlighted area, that is all property owned by House of Rocks with Turkey Creek flowing through it. They use this back portion back here to stockpile some of their material.

If we do move forward with a newer bridge, we will be working with them on entrances. Also, making sure they are providing the proper protection to Turkey Creek because they do have large rocks and stuff out there that as flood water rises, can potentially fall into the creek and impede the creek flow itself.



Option #2 – Bike/Pedestrian Bridge

Option 2 that we've looked at is a bike-pedestrian type route because it is an area that does see a lot of traffic for bike/ped because you can get to Johnson County fairly easily.

New Bike/Ped. Factors

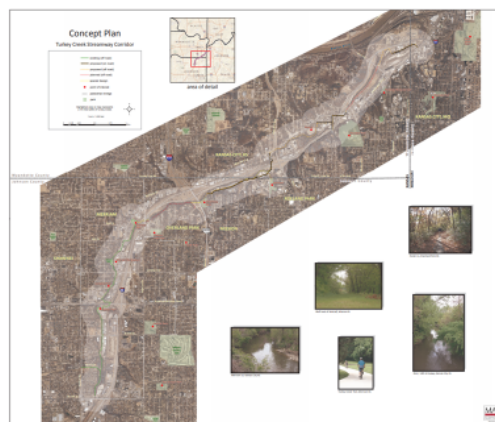
- Current Estimate: \$4.95 Million
- Same as building a new bridge plus...
 - Need for lighting improvements
 - Railroad crossing improvements for bike/ped. considerations
 - ADA Requirement for slope



The estimate for this is still around that same range, so about \$5M. All the site constraints are still the same for the same purposes, and even more so for ADA compliance with bike and pedestrian because you have to have less grades for those kinds of things. We'll also need to improve the lighting back in there because there is none currently. If we're going to be telling people this is a safe path to travel, we want to make sure it's secure for them and lighted properly. Also, the railroad crossing in this location doesn't have the needed pedestrian elements as far as panels for a crossing and stuff like that. If you're taking a bike or walking back there currently, you're bouncing around over the tracks as opposed to having a smoother transition.

MetroGreen Trail Route

- Identified as a part of the Turkey Creek Streamway Trail
 - Proposed 10 mile stretch of on and off road trails from KCMO to Johnson County.
- Future funding opportunities available through Mid-America Regional Council
- Project future will be led by Parks and Recreation with Public Works in a supporting roll for construction.



This area has also been potentially identified by the Mid-America Regional Council and their MetroGreen Trail System. You can't really see it, but at about right here is where we're talking about. This is one junction for a proposed 10 mile stretch of trails. It goes from KC, MO, to Johnson County. Not all of it has been completed yet. Other portions have. This is a long-term plan that was set out in 2007 and not a lot of it has really come to fruition yet. This plan was done with the fact that that bridge was already there. The fact that we have to remove this bridge, we will, hopefully, be working with this committee to try and find a more suitable crossing, that way we don't have to put a bridge back here if it's not deemed necessary.

If we do decide to move forward with this option, we will defer the lead on it to Parks and Recreation as off-street trails are more within their realm. Public Works will then assist with the management of the project and construction because that's more of what we do.



Commissioner Philbrook said that particular bridge—we need a crossing in other words from the south side to the north side for this bike/pedestrian trail. I'm just trying to understand where they're planning on putting—**Mr. Grover** said we can zoom into this a little more. On MARC's MetroGreen Trail System, this is called the Turkey Creek Trail Network, or streamway trail. These black pads that you can see are the on-street trail portions. Anywhere else in between is meant to be kind of an off-street trail. This was one that was identified to cross right over the creek and get back down to an on-street going through a small light industrial park and along up until you get to Lamar. Once you cross Lamar is when you can get into more of the off-street type trail areas.

It would be our recommendation to find a different crossing that is more suited for that kind of traffic. **Commissioner Philbrook** said that's one of the reasons I was asking. If MARC is wanting to contribute money to this trail, then I'm sure they would be helpful in finding an alternative manner. **Mr. Grover** said that is the goal.

Chairman Bynum said \$5.9M to replace the bridge and \$5M for a bike bridge. Couldn't you have a bridge and a bike? **Mr. Grover** said the new vehicle bridge will have bike/ped implements on it as far as a sidewalk and stuff like that. It would meet that.

Chairman Bynum asked do I understand correctly that the bridge, in its current state, is used primarily for access to one business. **Mr. Grover** said primarily—our current average daily traffic totals or counts on this road were 20-30 vehicles a day. This was taken a couple of years ago. We actually had plans to collect new counts on this literally the day before the rains hit and we had to close it.

The primary things that happen are traffic from the backside of the House of Rocks. They take their loaders with loads of rocks and move up to their front yard, or a little off the map here, below the screen here, there is a small light industrial park that does see some traffic coming from that way. It does have the entrance off of Lamar and has the intersection with I-35. That sees the majority of their traffic. Like I said, 20-30 vehicles a day is not really a lot.

Chairman Bynum said so we're going to tear this bridge down. **Mr. Grover** said yes. At this point, we have no choice in that. **Chairman Bynum** said the business in question still has access, what they need for their product. **Mr. Grover** said yes. **Chairman Bynum** said then the question becomes what, if anything, should we do in the future. **Mr. Grover** said right. That is correct. **Chairman Bynum** said that is not—**Mr. Grover** said it's not something we're looking for an answer for tonight. It's something for a future discussion when other funding options can be explored and other needs could potentially be addressed.

Chairman Bynum said tonight is an information only item. **Mr. Grover** said correct. **Chairman Bynum** said, the big information is, we're taking down that bridge and putting anything back there is very expensive. **Mr. Grover** said yes. **Chairman Bynum** said that's the information I need.

Commissioner Johnson said 25-30 vehicles currently have been traveling over there. What would be their option at this particular—once the bridge is taken down? **Mr. Grover** said there's nothing going across it now. For the past year, it's been closed. They have found an alternate route. **Commissioner Johnson** said there should not be anything going across it. **Mr. Grover** said no.

The best option is if they're on Merriam Lane, they travel down to 24th Street on the Wyandotte County side or Lamar on the Johnson County side, cross over I-35 and enter the business park. **Commissioner Johnson** asked there's an alternative route to get—**Mr. Grover** said absolutely, yes. **Commissioner Johnson** said at least it's safer. **Troy Shaw, County Engineer**, said that route is the main route in. The other route was just a back way in; kind of a shortcut for people. **Commissioner Johnson** said that brings some clarity to it. **Mr. Grover** said if you've ever been back here, literally, once you get underneath I-35, it turns into about a one-lane road and it's basically gravel. Then you cross over a one-lane bridge that basically you can see the timber deck. It is not a very—**Commissioner Johnson** said I've made a rule of not going down one-lane gravel roads.

Action: For information only.

Item No. 8 – 18363...UPDATE: WASTE MANAGEMENT OPERATIONS

Synopsis: Update of performance and possible future operational changes for Waste Management, submitted by Tim Nick, Operation and Maintenance Superintendent, Buildings and Logistics.

Refuse and Recycling Update -Waste Management-

Update 8-27-18

Kirk Suther, Operation and Maintenance Superintendent, Buildings and Logistics, said it's been about a month since we last talked and we have a little update to give you tonight.

History of Recent Refuse and Recycling Discussions

April 23, 2018 at Standing Committee: Pilot program discussion.

May 10, 2018 at Full Commission: Pilot program discussion. Commission wanted service issues addressed.

May 16, 2018 weekly meetings to address service issues with WM started.

July 23, 2018 at Standing Committee. Analysis of current refuse/recycling service issues.

At the last committee meeting that we had, we basically looked at the current issues that we were having. They basically boiled down to three items. One was the late service. Secondly, we looked at the trucks. Thirdly, we were looking at the routes.

In reference to the service, we found that a lot of times residents weren't being picked up until 7:00 - 7:30 at night, and off and on, there were times when trash and recycling was not picked up until the next day. Secondly, we thought we needed more trucks, both recycling and trash trucks. Thirdly, we looked at the routes. The routes, currently as they exist, are between 12

August 27, 2018

– 15 a day. There's a difference between 2,500 from one day to another day. That makes it real difficult logistically for Waste Management to try to get that same amount of trucks out on the street each day.

Chairman Bynum said I'm going to clarify two quick things that you just said. What you're discovering is not an even count of households per day. **Mr. Suther** said correct. **Chairman Bynum** said and long hours on the trucks. **Mr. Suther** said correct.



Mr. Suther said we had weekly meetings with Waste Management. We've talked about the complaint resolution with 311. Tonight, we're going to be proposing some solutions to those problems with some daily route changes to even that out. Also, public messaging plan for the implementation of that. We are continuing to work with the BPU to get a residential house count. Also, we have revised a tagging system in which individuals that have things out that are not in compliance, they can tag them and let them know, educate the residents why it wasn't picked up. We've been working with the employee retention and recruiting issues that Waste Management does have. I think what we're going to be talking about tonight will help out with the retention efforts.

Update on 311 Tracking Process

- ▶ A new system is in place to direct all calls to 311 for tracking
- ▶ WM has immediate access to complaints & is entering resolution into 311
- ▶ WM has completed training with 311 staff
- ▶ 311 will be calling customers to let them know it was resolved
- ▶ If cases not resolved the UG will contact WM for update
- ▶ UG to conduct spot-check field inspection of some of the resolved complaints
- ▶ UG to conduct field inspections of complaints not resolved

With the 311 tracking process, all calls are being directed to 311. Waste Management now has access to the 311 system so that when a complaint comes in, within a few minutes, they're able to have someone actually get the complaint and then they can route that out to a truck to get addressed. That's a real good thing. Then they're also entering in a resolution right into the computer so that we know.

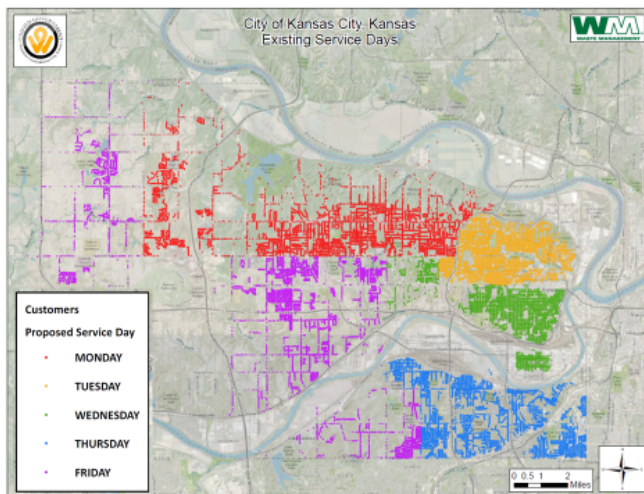
If cases are not resolved, then we're going to have a process set up that will contact Waste Management to find out what the—if it's not already in the computer what the situation might be. We're also going to spot check some of the inspections of the complaints that they say are resolved. If something is not resolved, we will go out there and check out those with a field inspection.

How Will Recommended Route Changes Improve Service

- ▶ Provides balance of the number of homes serviced daily
- ▶ Reduces range of homes per route from (785 to 900) to (657 to 713)
- ▶ Increases number of trucks servicing refuse and recycling each day
- ▶ Improves consistency of drivers working same routes each day
- ▶ Reduces hours per driver to 10.34 hours per day
- ▶ Geographic boundary changes affect approximately 14,800 homes
- ▶ Most day changes provide for later pickup day (re: Monday to Tuesday)

How will this improve service? First of all, we're looking at, like I said before, 12 – 15 routes a day. It's proposed to go to 16 trash routes a day. Every day, they'll have the same amount of trucks on the trash. The numbers will even out the homes that are serviced daily. You can see the range was at 785 – 900 currently; we're looking at 657 – 713, which will help with the problem of not enough trucks. They'll be more trucks put out on the streets. We're going from 67 trash trucks a week to 80 trash trucks. We're going from 22 recycle trucks to 27 a week. That will definitely help out with the management as far as consistency with the drivers. They can all stay in Wyandotte, in KCK. It will reduce the amount of hours that they're working to 10.34 from 12 – 13 a day. It is going to impact approximately 14,800 homes. Most days, we're trying to get it where the days are after their current trash day.

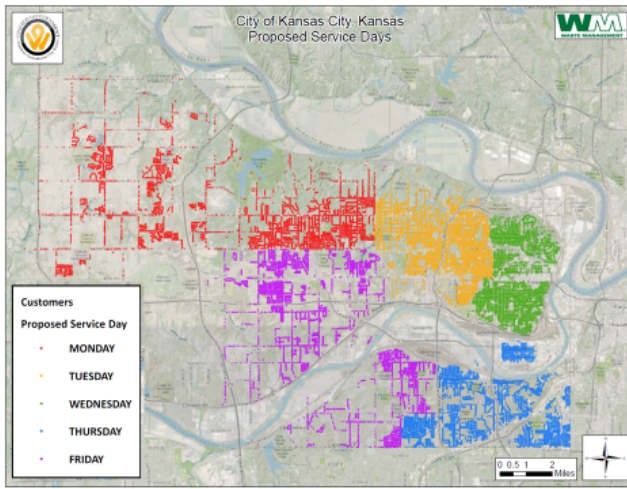
Current Service Days



You can read all the streets, can't you? This is the current trash days. **Chairman Bynum** said just walk us through that. Since the little dots are so tiny, will you just tell us for the public and for us, what color is what day. **Mr. Suther** said red is Monday, it's basically north of Parallel, west of 635. The yellowish, that's Tuesday. Green is Wednesday. Blue is Thursday. Purple is Friday.

You take a look at that Friday route, when I've went out on Friday routes some days checking it, you can put 150 – 200 miles on a car in a day. It's huge. It goes all the way from Johnson County boarder all the way up to Leavenworth boarder. Logistically, it's something that needs to be changed.

Proposed Service Days



There's the proposed. I believe we'll probably be able to get some maps that will be a little bit easier for everyone to read. Basically, if you take a look at where all the colors are, Monday is going to be the red part. It consolidates everything there together. Monday's route was the huge route. They're going to take a lot of houses off of Monday so that will be easier to be picked up. Tuesday is the yellowish. Wednesday is the green. Thursday is the blue. Friday, they purposely did the rescheduling so that Fridays were just a few less houses so you don't have the—so it's easier for them to get it up and we don't have to worry about stuff being out on a Saturday. Logistically, this will make it a lot more efficient for them to operate.

Public Messaging

- ▶ Two direct mailers will be sent to affected homes
- ▶ Website link to check pickup day
- ▶ Use Facebook, Next Door and other social media options
- ▶ Possible phone blast from WM (limited phone list)
- ▶ Special emphasis on homes in which refuse/recycling day moves up a day
- ▶ Identify and contact Home Owners Associations of affected areas
- ▶ Livable Neighborhood newsletters and meetings with neighborhood groups
- ▶ Emphasize the need to call 311

The public messaging. We're looking at two direct mailers to be sent to the affected homes. We'll have a website link that they can check pickup day. Be using social media. I think Waste Management has phone blast.

Special emphasis is going to be on the houses that move up one day. If you move back one day, it's not going to have quite as much of an impact as when you're moving up on. We're going to try to do that. We'll be identifying homeowners' associations and neighborhood groups and getting in touch with them and letting them know about that. We'll also be working with Livable Neighborhoods with newsletters and the neighborhood groups. We just want to emphasize for everyone to utilize the 311 telephone number.

Implementation Plan

- ▶ Public messaging and implementation to begin in 4th quarter of 2018
- ▶ Anticipate "hiccups" during the transition period
- ▶ WM customer service and 311 will be prepared to assist residents
- ▶ WM Recovery Plan is to have extra trucks available to address misses from residents adjusting to the changes

At this point in time, we are looking at getting the messaging and implementation sometime in the fourth quarter of this year. It's going to be dependent upon the resources available that Waste Management has. The absolute day will be set by them. We're looking at the fourth quarter. There are going to be some hiccups, I guess you can say, in the transition period, but I'm confident we can work through everything. The Waste Management Customer Service and 311 will be assisting as well as a lot of other individuals. They will have some extra trucks available for the first couple of weeks because no matter what you say, people don't always listen. The way they learn is the hard way by putting it out on the wrong day. I think once the word of mouth gets out there, that will help us a lot.

I think, as I mentioned before, by making these routes, all 16 routes the same amount of trucks each day, they're reducing the amount of houses. They're reducing the number of hours per day that personnel have to work. That should help with their retention. We hit that quite heavy the last time about being able to keep employees.



This is just a little bit of what some of their recruiting efforts are going on right now. They're offering a \$4,500 sign-on and non-experienced bonus of \$2,500. Then they're aggressively working to recruit.

Commissioner Markley said I kept getting phone calls about trash, but at my house, it wasn't an issue. I didn't realize why that was until I saw this map and realized that that Friday, mine is on the Thursday route, the other half of Turner is on the Friday route. I was getting all the calls from that Friday area. I know there will be some frustration with this change, but I think all you have to do is look at that map to realize this is a change that's long overdue when that truck is trying to go all the way out to the northern part of our county and collect all the trash down by the Johnson County line. That's a huge route. I appreciate that some people will be frustrated by the day change, but I hope they can also see why it's important to the long-term solution here that we make that change and make the route to make some sort of logical sense.

Chairman Bynum said it's been many decades, if I'm not mistaken, since we've made any route changes. Is that right? Yes.

Commissioner Johnson said it's like when you put a bone out in the yard, the dogs come and they fight over it and there's an issue at hand. If we had not had the same issues coming up, we probably would not be having these conversations. In my opinion, Waste Management has brought this focus upon themselves.

I guess what I'm looking at is the number of complaints that come in. To be able to identify on a consistent basis how we're doing or how they're doing, is there a way for us to know that on any continual basis? **Mr. Suther** said with the 311 system that we're working at right now, we can track all of that. **Commissioner Johnson** asked will you be able to come back at some point and kind of give us a sense of how it's going, these proposed changes. **Mr. Suther** said yes.

Commissioner Johnson said I think when these things are continually brought to our attention—I've had some irate constituents, and I mean irate, and have had to work real hard to get them to understand that we're undergoing some changes here. I'd just like to be able to see over a period of time whether that be 30, 60 or 90 days of how our progress is going in terms of—I think one of the ways, at least, that you identify your progress is you see that complaint number going down. It's very simple. I'd like to be able to see some follow-up at some point, at a time that is convenient for everyone.

Commissioner Kane said I'm still not satisfied with their service. I don't believe your family is either. Even after we complained that Commission night on the Thursday, the following Monday, my trash is picked up. Tuesday morning, it's 6:45. My neighbors were taking pictures and sending them to me. We didn't have this problem before Waste Management took it over, so the problem is Waste Management, not the people that work there. I hope these changes work, but if they're not, I'll be the first critic to let them know.

Commissioner Philbrook asked is this the first time that we, as a Unified Government, have worked with another company to help them take care of their issues. You understand what I mean to this extent? I'm seeing some of this up here but we've played a part in some of this. Is that correct in trying to help them out? **Mr. Suther** said I think just by looking at the numbers, this is something that should have been done a long time ago as far as the routes. I don't know if that answers or if I understood your question. **Commissioner Philbrook** said basically we're

working with them to tell them what needs to happen to make it work. **Mr. Suther** said I think it's mutual. Both parties have said that this is a possible solution to the problems.

Commissioner Philbrook said this has been a long time. If this were a time period which you're trying to decide whether you want to actually say I do to the marriage with us, together, I'd have a tough time going down that road. I'm kind of like with the other two commissioners, and I appreciate our efforts, I'm not really sure I understand in some cases why it's really taken this length of time.

I'm also not really pleased with the 311 system involvement in this. I haven't heard great things from the folks that have used it so I'm just going to put that in there right now and tell you please, please, please somebody do something to make that work.

Chairman Bynum said I have the sense that in general, we have seen improvement of late. Would somebody tell me whether that's true or false just overall? I'm getting fewer complaints. **Commissioner Johnson** said it depends on who you ask. **Chairman Bynum** said for me, my email, I'm seeing fewer complaints so that's leading me to believe that we're seeing improvement. If somebody wants to just address that in general. **Commissioner Johnson** said I'm getting complaints. **Chairman Bynum** said and you're still getting complaints. **Commissioner Kane** said I get them. **Chairman Bynum** said and you're getting them. See, I'm not getting them every week like we were there for a while.

Justin Vetch, Waste Management, said I oversee the operations in Kansas City. To answer your question honestly, I think it is somewhat premature to understand if there has been any tangible improvement just because we haven't had the time since going through this and implementing 311 to measure that and get the word up to measure the calls. This plan, hopefully, our desire is that it will allow us to stabilize our workforce that serves KCK and provide a quality service through the continuity in those routes. With that comes a service improvement that we're hoping for.

Chairman Bynum said, Tim Nick, I'm going to let you maybe speak to this one. The 311 issue. There was a very specific reason that we had directed and requested that our folks who have a complaint or comment or question deal directly with 311. I would like maybe if you'd expand on that just a little bit. **Tim Nick, Operation & Maintenance Superintendent in Building & Logistics**, said I think one of it goes right back to Commissioner Johnson's question. In the past,

people called Waste Management, people called the Mayor's Office, people called the Commissioners' office, people called Public Works. If we can get 311, now we're going to have one central location where we know what the numbers are.

Now, we've talked though, is that—I know Commissioner Kane will hit on this—there are a lot of people who are just tired of calling. Those complaint numbers are a little—yes, they are down, but I've called five weeks in a row; I'm tired of calling. It's the same old thing. At least the 311—

Another thing that we've implemented over the last couple of months is at the end of the day, we get a report from Waste Management of how they did for the day. Were all the routes completed? What's not completed? One thing we're trying to work on, and hopefully won't have too much longer, is trying to find a way to get that out to the public if we can. If we can get it on Facebook or something that we can do that with our new engagement person coming on, people will know to not expect them until tomorrow morning. They completed their route. They've don't their x amount of hours. They'll be there first thing tomorrow morning.

Chairman Bynum said I appreciate what you're saying. My point is we, all of us, must, must, must work together to direct these issues to one channel and the channel is 311. That's what 311 is for. Commissioner Philbrook, you, specifically, but anybody, I think this team would be interested in what is the limitation you see within 311. You don't have to express that tonight unless you want to. We've got to legitimately hear that and know what is the issue with 311. You may not be the only commissioner that doesn't like that. I don't know. We've got to know. We can't problem-solve if we can't get to what the problems are.

Commissioner Kane said I get the part about they come the next day. I live in the middle of the addition and they got to my house at 6:45. They were waking people up as they're coming through the neighborhood. I never have liked 311 either.

They bought them out. They agreed to do the work. They're not doing the work. I'm more than frustrated because it hasn't gotten any better since we complained the first time. You would think there would be some road to improvement. You're right. They're not calling. They quit calling. You shoot them an email and say send somebody to pick up my trash. I'm tired of calling 311. I'm tired of doing this. Be honest with you, I'm tired of talking about it. Our people pay to have the trash picked up. They need to pick our trash up and they need to do it in short order.

Commissioner Philbrook said the 311 issue; it's not that I don't like the concept of 311 and it's not that I don't want people to call 311. Every time I go to the meetings, I say call 311 because we're trying to make this work, but 311 isn't working yet to the way we want it to. If I get phone calls back from people, I'm not very pleased because they've called 311 and they feel like nothing has happened or they haven't heard anything back. That makes it hard for me to keep telling them to call 311. That's my dilemma. I want 311 to work. I don't want the phone calls. I don't want people getting mad at me because I asked them to call 311 but things don't happen. It's kind of like a catch 22. That's my thing about it. It's not that I don't like 311, I just want 311 to work the way we intended it to work.

Commissioner Johnson said the proposed changes, and particularly having more trucks, it sounds like more personnel. Is that going to cost us anymore within our current contract or will there be any adjustments that have to be made as a result of that? **Mr. Nick** said no, no changes.

Chairman Bynum said Lynn Melton is here in the audience from the Mayor's office. Lynn, I just want to thank you publicly because I think that you've been right in the middle of this ever since you came here to start working. It's not an easy situation. It's not an easy fix. It's not an easy issue. I, for one, appreciate that diligence on your part. We are working, I would say, very hard to come to some sort of improvement, resolution, etcetera. That is why this group is coming to us regularly because it's not a small issue and we need to stay informed on what steps are being taken and when and if improvements are made.

I want to stress 311. I'm going to stress 311. It's the mechanism we're using. I'm going to ask the public to use 311 as the mechanism for reporting when a pick up does not occur as it should. The next thing is as far as when I'm calling as the route adjusts, what I'm calling it is potentially moving your trash day a day forward. By that, I mean you were a Tuesday, now you're a Wednesday. I appreciate that effort. Did I say that right? The other way. Now I'm confused. Say it back to me because the whole point I was trying to make was that way if you put your trash out on the wrong day, you haven't missed your day. **Mr. Nick** said correct. Out of the 14,800, I think it's about 2,700 will go Wednesday to Tuesday. That's why we're stressing that. If their normal day is Tuesday and we move them to Wednesday, then they put it out Tuesday by mistake, it will be picked up the next day. **Chairman Bynum** said I think I did say it almost right. If it was Tuesday, it could possibly be Wednesday. **Mr. Nick** said correct.

Chairman Bynum said which means if I put it out on Tuesday, I haven't missed my trash day. **Mr. Nick** said right.

Chairman Bynum said I appreciate that effort. The timeline for that is? **Mr. Nick** said that was the key. They've taken—and Justin will be the first to admit that they've been hammered and deservedly so. What they don't want to do is they don't want to kick this off and not have enough staff out there. We think when they get ready—we want to shoot for the fourth quarter. When they get ready to implement this, we're thinking a six-week timeline for us to send out—they'll send out a first postcard which says your day change is coming. Those will be the affected people. Then two weeks later, they'll send another one as a reminder. We think it will be a six week once they know when we're ready to go and then go from there along with all the Facebook and all the other public messaging we'll get out.

Chairman Bynum said it's a targeted postcard. I'm only going to get one if my day is changing? **Mr. Nick** said only if your day is changing, correct.

Commissioner Philbrook said you were talking about getting the notice out. I know that BPU is a wonderful partner for us. I wonder if they put a blurb on their bill to tell people that are targeted in that area. Just a question because that's not going to cost us a bunch of money and people will get that information. **Mr. Nick** said actually, Waste Management will be sending the post cards. **Commissioner Philbrook** asked you don't want BPU playing a part in that. **Mr. Nick** said we could, but—**Commissioner Philbrook** said it's just a question. I'm just trying to understand in some cases why we don't use less expensive ways. **Mr. Nick** said Kirk had a good point. I don't know with BPU since they won't be sending them—we've done them in the past, but they've gone to everyone. I don't know if BPU would be able to separate each address it goes to. **Commissioner Philbrook** said I don't know. **Chairman Bynum** said segmented and targeted mailings with your BPU bill. Mr. Groneman, any comment on that?

BPU Board Member Groneman said I'd have to check and see. I don't know. **Chairman Bynum** said you may as well, at least check. **Commissioner Philbrook** said you never know. We may be asking you to do something for something else. **Chairman Bynum** said you may as well. At least point us to somebody within the correct department that might be able to answer more specifically about whether they can do targeted mailings or not. It could be interesting. I was thinking of like an insert.

Chairman Bynum said my last comment is simply back to the jobs, the job availability. Sir, your name again? **Mr. Vetch** said Justin. **Chairman Bynum** asked would you tell us about that, not only that sign-on bonus, but the training program and just the fact that it's actually a good job with benefits. We're giving you an opportunity here because these are jobs for members of this community and opportunities for our residents to work right here in Wyandotte County, make a decent wage and have not only a sign-on bonus, but benefits and the things that could come. Do you want to take one minute on that?

Mr. Vetch said I can hit the high levels for you because I could go into great details, but I'll just do the high levels. If you come to Waste Management as an experienced driver, there's a \$4,500 sign-on bonus once you start. The compensation varies based on your years of service. If you come with less than a year of commercial driving experience, there's a \$2,500 sign-on bonus. The compensation is pretty set because you don't have those service years to factor.

We also offer a \$2,000 bonus, that is not up there, that will be given after your first year of employment as a retention bonus. The brightest thing that we probably do, that is really tough to highlight on, is we have individuals that come to us, and KCK is the only place where we utilize helpers on the back of our trucks. If you have somebody that comes to us to work as a helper to throw and they do a good job, we will hire them on, we will send them to Florida, pay for everything: flight, travel, meals, put them up for three-four weeks, do all the training, get them their CDL, and bring them back under the wage of a starting driver and offer training from there. Many of our drivers—we get stuck in the residential on a business. Many of our drivers are within other lines of business and promote upwards and have been with us many, many years. Our issue is primarily in the residential and that's where we need to address it.

Chairman Bynum said I appreciate it. The only reason I bring it up is because outside of just talking about Waste Management and trash pickup, we do, as a Commission, spend time talking about workforce. We spend time talking about jobs for people who live in our community and the fact that many, many, many of our young people do not want a pathway to college; they want something else. There are things in the community they can do, training and certifications they can get, that can give them a living wage, and this is one of them.

Commissioner Philbrook said when you talk about living wage, you mean more than \$15 an hour. **Mr. Vetch** said yes. **Commissioner Philbrook** said I'm nailing it down because what one living wage is to one person versus another, that's a whole different ballgame. I know you don't

want to talk about exact money, and I'm not going to ask you to, but I'm going to ask you to kind of give me a range per year, not including benefits of what a regular CDL truck driver for you would make. **Mr. Vetch** said range per year varies greatly. **Commissioner Philbrook** said that's fine. **Mr. Vetch** said I will tell you that the lowest you could possibly come in at with no experience, brand new, will come in at \$17 an hour. Everything from there is above. We also have a wage adjustment that every six months after you come in, you're getting a raise of \$0.50 until the three-year mark, and then it's a performance-based increase. We also have a merit increase that based off your performance coming in the street, every quarter, that performance is looked at and adjusted. You could make an additional \$2 an hour. You could come in off the street make \$17, work four-six months and be at \$19.50. **Commissioner Philbrook** said thank you for being succinct with that. I do appreciate that because the dollars do count when you say them out loud.

Chairman Bynum said I appreciate it. I didn't want to dwell on it. I just wanted to make it a point that these are jobs that can be filled by people in our community.

Commissioner Philbrook said the other thing is, if workforce partnership is not already a partner helping you to find employees, please contact them. That's Kansas Works.

Action: For information only.

Item No. 9 – 18362...PRESENTATION: HUTTON AND LEAVENWORTH ROAD FIRE STATION

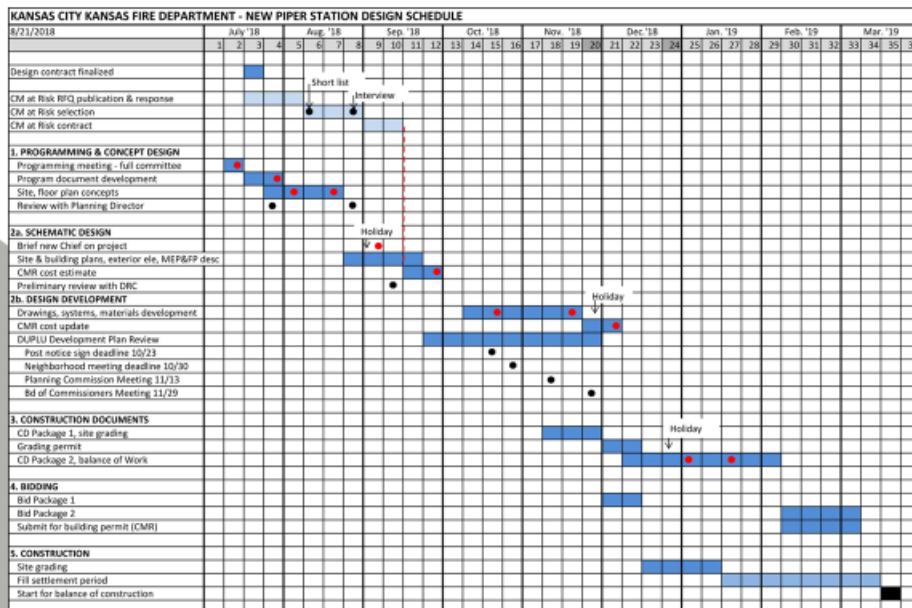
Synopsis: Update on fire station at Hutton Road and Leavenworth Road, submitted by Jack Andrade, Assistant Fire Chief, and John Kelly, Director of Buildings and Logistics.

Chairman Bynum said we have our new Fire Chief with us, Chief Callahan.

John Kelly, Director of Buildings and Logistics, said this evening, this will be the first of a series of updates that we'll be giving for the new fire station. Kile has a little presentation that we'll start with, but like I said, I just want to thank everybody for their time.



Kile Morrison, Architect, Arc Images, Inc., said we're very pleased to have been selected as your architect for this new station on Hutton Road. Arc Images has a long history of design for fire houses, completing 50 or 60 over the last 25 years. This includes both new and renovation projects as well as prototype design for fire departments.



Archimages
architecture | interiors

New Fire Station – Hutton Road
Kansas City Kansas Fire Department

August 27, 2018

This slide is our projected schedule for completing the design portion of the work. We started in the project in July. We're working with a committee of Fire and Buildings & Logistics personnel. We started at a very high level in talking about wants and needs and aspirations of what this station should be.

Project delivery, the construction of the project is planned to be a construction manager at risk. That request for qualifications went out. We had six very good firms submit. Four of those have been selected for interviews. The interviews are tomorrow. Within a couple of weeks, we hope to have that entity onboard as part of the team as well. The advantage of this early contractor involvement is on several levels, but primarily schedule and cost control. They are part of the design process and will be helping us with the cost all the way through.

The design work progresses from that very high-level discussion through more and more detail as we go. There are several points in that process where we'll be asking for pricing updates from the construction manager.

We are planning to submit for the development plan review process in late September. That should be concluded by the end of November.

We are currently planning on two separate bid packages. The first bid package down here is intended to be a site grading package. Our soils report recommends that in areas where we have quite a bit of fill, which we will have a lot of cut and fill, that we burden the site and let it sit for a time so that the underlying soils can compact. That would be the intent of having the first bid package out in December and start site grading hopefully around the first of the year.

The second bid package would be in March here at the same time that we submit for building permit with a construction start we're projecting about the third week of March. After that, we currently, without a building design yet, we're anticipating 10-12 months of construction before move-in.



The site, as you may know, is on Hutton Road, just south of Leavenworth Road. It's a 4.5-acre site. It's zoned A-G with a 50' front yard setback and 25' side yards. We're using the north half of the site. Approximately much of the south half would be available for a neighborhood park or some kind of a use like that.

In our concept that we're developing right now, we're right around a 12,000 square foot building. The floorplan is organized to minimize response time. On the north side, we have support spaces and then the apparatus space, and the south part is what we call the living spaces of the fire station. The exit apron goes directly to Hutton Road. They'll be some public parking and then the staff parking around in the back. Eight bunkrooms and two captain office/bunkroom combinations.

That's kind of an overview of where we're headed. We're intending to design a long-lasting, durable and energy-efficient building that is storm resilient and will serve the department for a very long time. I'm looking forward to coming back and updating you and showing you our progress as we move forward.

Commissioner Markley said you mentioned as you were introducing yourself that you've done prototype work. Is there a thought that this design would be a prototype or a guideline for future stations in our community or is that not being considered? **Mr. Morrison** said part of our

intended process is as we complete the design of this one, we'll move right into the prototype process and develop a prototype booklet that really just documents all the decisions that were made through design and the design intent. We'll try to make it so that it can be a tool to use in renovating stations in addition to a prototype for new stations.

Commissioner Kane said I like what I see so far. Unfortunately, we voted on it last year, so it will be almost three years before we completed something that we're in dire need of out west. It went from being done in the spring to the summer to now the next spring. I guess my frustration level is still there. I don't know why it would take that long to build a fire station. I don't have a clue. I know the dirt work where it sits—I know about that. I originally said that if they don't break ground here this summer, it won't be done until late next year. I was 100% right.

I still believe to this day that staff dragged their feet because they didn't want to put it out there. Now that we forced them to do it, and unfortunately you come in on a bad situation about this fire station. None of this is intended toward you or Jack, but I'm frustrated that here we are, exactly what I said, went down exactly the way I said it was going to go down. This is like Waste Management. Well, we're getting there. We're there. Technically, what have we done? Very little. I cannot believe it's going to take that long to build it. I cannot believe that it's taken this long to get where we're at today.

We were told, we voted on it, we were going to do it. When staff doesn't follow through, then you've got an upset commissioner. In fact, the entire Commission could be upset because if this was in your area and you were underserved already, how would you guys feel about it?

October 31st, I took my first ambulance ride. I was thankful that those guys from 123rd Street got there as quick as they did. What happens if somebody isn't as lucky as I was where I made it through that night? This is very important to the community. I want everyone watching on TV, I'm working my tail off to get this done and it will get done. Like everything else, I hope that you hire union workers to perform the functions because you'll get it done right, you'll get it done fast, and you'll get it done just the way it's supposed to be done. **Chairman Bynum** said I couldn't agree more on that comment.

Commissioner Johnson said if the start date is March of 2019, and we're talking 10-12 months, we're saying by March of 2020, we're feeling very strongly that this fire station will be

completed. **Mr. Morrison** said correct. **Commissioner Johnson** said okay. I just wanted to get that for the record.

Chairman Bynum asked what's the budget. Would somebody remind me again the budget for this project? **Jack Andrade, Assistant Fire Chief**, said \$4M.

Chairman Bynum said in the lower half of the project area, I see a rectangle. **Mr. Morrison** said that's kind of a placeholder right now for a detention area. We know we need a detention area, but honestly, we haven't progressed the design to really size that. That rectangle is a worst case.

Commissioner Philbrook said you say you're going to have a retention pond on there. Is that what you just said? **Mr. Morrison** said I said detention. **Commissioner Philbrook** said oh, detention.

Action: **For information only.**

Adjourn:

Chairman Bynum adjourned the meeting at 6:19 p.m.

cg



Staff Request for Commission Action

Tracking No. 18460

Full Commission Meeting Date: N/A

Committee: Public Works & Safety

Date of Standing Committee Action: N/A
(If none, please explain):

Publication Required: No

<u>Date:</u> 10/10/2018	<u>Contact Name:</u> Laura Cromwell	<u>Contact Phone:</u> x6067	<u>Contact Email:</u> Laura	<u>Department/Division:</u> Police Department
<u>Item Description:</u> The Police Department's application for the FY18 Edward Byrne Memorial Justice Assistance Grant has been accepted by the U.S. Department of Justice. This application was approved by Commission on September 13, 2018. This funding will be used to purchase irritant gas mask filters, new equipment for the Special Operations Unit, and materials for Crisis Intervention Team training sessions. The grant amount is \$104,142 and there is no UG match requirement. The grant performance period extends from October 1, 2017 through September 30, 2021.				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> 2018-DJ-BX-0205 Award Package				



U.S. Department of Justice

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

October 1, 2018

The Honorable David Alvey
Unified Government of Wyandotte County/ Kansas City
701 North 7th Street
Room G-2
Kansas City, KS 66101-3065

Dear Mayor Alvey:

On behalf of Attorney General Jefferson Sessions III, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation in the amount of \$104,142 for Unified Government of Wyandotte County/ Kansas City.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Maria T. Anderson, Program Manager at (202) 598-7381; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in black ink that reads "Matt Dummermuth".

Matt Dummermuth
Principal Deputy Assistant Attorney General

Enclosures



OFFICE FOR CIVIL RIGHTS

Office of Justice Programs

U.S. Department of Justice

810 7th Street, NW
Washington, DC 20531

Tel: (202) 307-0690

TTY: (202) 307-2027

E-mail: askOCR@usdoj.gov

Website: www.ojp.usdoj.gov/ocr

OCR Letter to All Recipients

October 1, 2018

The Honorable David Alvey
Unified Government of Wyandotte County/ Kansas City
701 North 7th Street
Room G-2
Kansas City, KS 66101-3065

Dear Mayor Alvey:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

Ensuring Access to Federally Assisted Programs

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <https://ojp.gov/about/ocr/vawafaqs.htm>.

Enforcing Civil Rights Laws

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <https://www.lep.gov>.

Ensuring Equal Treatment of Faith-Based Organizations and Safeguarding Constitutional Protections Related to Religion

The DOJ regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38, updated in April 2016, prohibits all recipient organizations, whether they are law enforcement agencies, governmental agencies, educational institutions, houses of worship, or faith-based organizations, from using financial assistance from the DOJ to fund explicitly religious activities. Explicitly religious activities include worship, religious instruction, or proselytization. While funded organizations may engage in non-funded explicitly religious activities (e.g., prayer), they must hold them separately from the activities funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice. Funded faith-based organizations must also provide written notice to beneficiaries, advising them that if they should object to the religious character of the funded faith based organization, the funded faith-based organization will take reasonable steps to refer the beneficiary to an alternative service provider. For more information on the regulation, please see the OCR's website at <https://ojp.gov/about/ocr/partnerships.htm>.

SAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 34 U.S.C. § 10228(c); the Victims of Crime Act of 1984, as amended, 34 U.S.C. § 20110(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 34 U.S.C. § 11182(b); and VAWA, as amended, 34 U.S.C. § 12291(b)(13), contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

Using Arrest and Conviction Records in Making Employment Decisions

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: *Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013)*, available at https://ojp.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf. Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOPs) (see below).

Complying with the Safe Streets Act

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEOP (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

Meeting the EEOP Requirement

An EEOP is a comprehensive document that analyzes a recipient's relevant labor market data, as well as the recipient's employment practices, to identify possible barriers to the participation of women and minorities in all levels of a recipient's workforce. As a recipient of DOJ funding, you may be required to submit an EEOP Certification Report or an EEOP Utilization Report to the OCR. For more information on whether your organization is subject to the EEOP requirements, see <https://ojp.gov/about/ocr/eeop.htm>. Additionally, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 616-1771 or by e-mail at EEOPforms@usdoj.gov.

Meeting the Requirement to Submit Findings of Discrimination

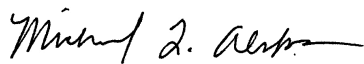
If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

Ensuring the Compliance of Subrecipients

SAAAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAAAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see <https://ojp.gov/funding/Explore/StateMethodsAdmin-FY2017update.htm>.

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,



Michael L. Alston
Director

cc: Grant Manager
Financial Analyst



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Grant

PAGE 1 OF 22

1. RECIPIENT NAME AND ADDRESS (Including Zip Code)

Unified Government of Wyandotte County/ Kansas City
701 North 7th Street Room G-2
Kansas City, KS 66101-3065

4. AWARD NUMBER: 2018-DJ-BX-0205

5. PROJECT PERIOD: FROM 10/01/2017 TO 09/30/2021
BUDGET PERIOD: FROM 10/01/2017 TO 09/30/2021

6. AWARD DATE 10/01/2018

7. ACTION

Initial

2a. GRANTEE IRS/VENDOR NO.

481194075

8. SUPPLEMENT NUMBER

00

2b. GRANTEE DUNS NO.

030693592

9. PREVIOUS AWARD AMOUNT

\$ 0

3. PROJECT TITLE

KCKPD Field Force Operations/SOU Equipment/CIT Training

10. AMOUNT OF THIS AWARD

\$ 104,142

11. TOTAL AWARD

\$ 104,142

12. SPECIAL CONDITIONS

THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH
ON THE ATTACHED PAGE(S).

13. STATUTORY AUTHORITY FOR GRANT

This project is supported under FY18(BJA - JAG State & JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10101 - 10726), including
subpart I of part E (codified at 34 U.S.C. 10151 - 10158); see also 28 U.S.C. 530C(a)

14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number)

16.738 - Edward Byrne Memorial Justice Assistance Grant Program

15. METHOD OF PAYMENT

GPRS

AGENCY APPROVAL

GRANTEE ACCEPTANCE

16. TYPED NAME AND TITLE OF APPROVING OFFICIAL

Matt Dummermuth
Principal Deputy Assistant Attorney General

18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL

David Alvey
Mayor

17. SIGNATURE OF APPROVING OFFICIAL

19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

19A. DATE

AGENCY USE ONLY

20. ACCOUNTING CLASSIFICATION CODES

FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	REG.	SUB.	POMS	AMOUNT
X	B	DJ	80	00	00		104142

21. TDJUGT0278



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 2 OF 22

PROJECT NUMBER 2018-DJ-BX-0205

AWARD DATE 10/01/2018

SPECIAL CONDITIONS

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any certifications or assurances submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2018 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2018 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2018 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 3 OF 22

PROJECT NUMBER 2018-DJ-BX-0205

AWARD DATE 10/01/2018

SPECIAL CONDITIONS

3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

5. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2016, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after-- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2016, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 4 OF 22

PROJECT NUMBER 2018-DJ-BX-0205

AWARD DATE 10/01/2018

SPECIAL CONDITIONS

7. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

8. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

9. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient)-- 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or 2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

10. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
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PAGE 5 OF 22

PROJECT NUMBER 2018-DJ-BX-0205

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SPECIAL CONDITIONS

11. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.

12. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

13. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

14. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

15. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.



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16. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

17. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

18. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

19. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

20. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.



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21. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

22. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2018)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2018, are set out at <https://ojp.gov/funding/Explore/FY18AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

23. Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (2) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.



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24. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.



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25. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

26. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

27. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

28. Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).



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29. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

30. Required monitoring of subawards

The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

31. Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

32. Justice Information Sharing

Information sharing projects funded under this award must comply with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/gsp_grantcondition. The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

33. Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

34. Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 34 U.S.C. 10231(c)-(d). The recipient may not satisfy such a fine with federal funds.



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35. Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

36. Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

37. Verification and updating of recipient contact information

The recipient must verify its Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.

38. Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

39. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.



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40. Submission of eligible records relevant to the National Instant Background Check System

Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the recipient (or any subrecipient at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the recipient (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS-relevant "eligible records".

In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.

41. Certification of Compliance with 8 U.S.C. 1373 and 1644 (within the funded "program or activity") required for valid award acceptance by a local government

In order validly to accept this award, the applicant local government must submit the required "State or Local Government: FY 2018 Certification of Compliance with 8 U.S.C. 1373 and 1644" (executed by the chief legal officer of the local government). Unless that executed certification either-- (1) is submitted to OJP together with the fully-executed award document, or (2) is uploaded in OJP's GMS no later than the day the signed award document is submitted to OJP, any submission by a local government that purports to accept the award is invalid.

If an initial award-acceptance submission by the recipient is invalid, once the local government does submit the necessary certification regarding 8 U.S.C. 1373 and 1644, it may submit a fully-executed award document executed by the local government on or after the date of that certification.

For purposes of this condition, "local government" does not include any Indian tribe.



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42. Noninterference (within the funded "program or activity") with federal law enforcement: 8 U.S.C. 1373 and 1644; ongoing compliance

1. With respect to the "program or activity" funded in whole or part under this award (including any such program or activity of any subrecipient at any tier), throughout the period of performance, no State or local government entity, - agency, or -official may prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. 1373(a); or (2) a government entity or -agency from sending, requesting or receiving, maintaining, or exchanging information regarding immigration status as described in either 8 U.S.C. 1373(b) or 1644. Any prohibition (or restriction) that violates this condition is an "information-communication restriction" under this award.

2. Certifications from subrecipients. The recipient may not make a subaward to a State, a local government, or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373 and 1644, properly executed by the chief legal officer of the government or educational institution that would receive the subaward, using the appropriate form available at <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>. Also, the recipient must require that no subrecipient (at any tier) may make a further subaward to a State, a local government, or a public institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373 and 1644, properly executed by the chief legal officer of the government or institution that would receive the further subaward, using the appropriate OJP form.

3. The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

4. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) that the recipient, or any subrecipient at any tier that is a State, a local government, or a public institution of higher education, incurs to implement this condition.

5. Rules of Construction

A. For purposes of this condition:

(1) "State" and "local government" include any agency or other entity thereof, but not any institution of higher education or any Indian tribe.

(2) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")

(3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).

(4) "Immigration status" means what it means under 8 U.S.C. 1373 and 8 U.S.C. 1644; and terms that are defined in 8 U.S.C. 1101 mean what they mean under that section 1101, except that "State" also includes American Samoa.

(5) Pursuant to the provisions set out at (or referenced in) 8 U.S.C. 1551 note ("Abolition ... and Transfer of Functions"), references to the "Immigration and Naturalization Service" in 8 U.S.C. 1373 and 1644 are to be read as references to particular components of the Department of Homeland Security (DHS).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before



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award acceptance.

43. Authority to obligate award funds contingent on noninterference (within the funded "program or activity") with federal law enforcement (8 U.S.C. 1373 and 1644); unallowable costs; notification
1. If the recipient is a "State," a local government, or a "public" institution of higher education:
- A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction."
- B. In addition, with respect to any project costs it incurs "at risk," the recipient may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the program or activity of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that would be reimbursed in whole or in part with award funds was subject to any information-communication restriction.
- C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and each subrecipient (regardless of tier) that is a State, local government, or public institution of higher education, is in compliance with the award condition entitled "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance."
- D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded program or activity of the recipient, or of any subrecipient at any tier that is either a State or a local government or a public institution of higher education, may be subject to any information-communication restriction. In addition, any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must require prompt notification to the entity that made the subaward, should the subrecipient have such credible evidence regarding an information-communication restriction.
2. Any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the program or activity of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any information-communication restriction.
3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the "Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition.
4. Rules of Construction
- A. For purposes of this condition "information-communication restriction" has the meaning set out in the "Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" condition.
- B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" condition are incorporated by reference as though set forth here in full.



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SPECIAL CONDITIONS

44. Noninterference (within the funded "program or activity") with federal law enforcement: No public disclosure of certain law enforcement sensitive information

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward (at any tier).

1. Noninterference: No public disclosure of federal law enforcement information in order to conceal, harbor, or shield

Consistent with the purposes and objectives of federal law enforcement statutes and federal criminal law (including 8 U.S.C. 1324 and 18 U.S.C. chs. 1, 49, 227), no public disclosure may be made of any federal law enforcement information in a direct or indirect attempt to conceal, harbor, or shield from detection any fugitive from justice under 18 U.S.C. ch. 49, or any alien who has come to, entered, or remains in the United States in violation of 8 U.S.C. ch. 12 -- without regard to whether such disclosure would constitute (or could form a predicate for) a violation of 18 U.S.C. 1071 or 1072 or of 8 U.S.C. 1324(a).

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

- A. For purposes of this condition--

(1) the term "alien" means what it means under section 101 of the Immigration and Nationality Act (see 8 U.S.C. 1101(a)(3));

(2) the term "federal law enforcement information" means law enforcement sensitive information communicated or made available, by the federal government, to a State or local government entity, -agency, or -official, through any means, including, without limitation-- (1) through any database, (2) in connection with any law enforcement partnership or -task-force, (3) in connection with any request for law enforcement assistance or -cooperation, or (4) through any deconfliction (or courtesy) notice of planned, imminent, commencing, continuing, or impending federal law enforcement activity;

(3) the term "law enforcement sensitive information" means records or information compiled for any law enforcement purpose; and

(4) the term "public disclosure" means any communication or release other than one-- (a) within the recipient, or (b) to any subrecipient (at any tier) that is a government entity.

B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.



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SPECIAL CONDITIONS

45. Noninterference (within the funded "program or activity") with federal law enforcement: Interrogation of certain aliens

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award. Its provisions must be among those included in any subaward (at any tier).

1. Noninterference with statutory law enforcement access to correctional facilities

Consonant with federal law enforcement statutes and regulations -- including 8 U.S.C. 1357(a), under which certain federal officers and employees "have power without warrant ... to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States," and 8 C.F.R. 287.5(a), under which that power may be exercised "anywhere in or outside the United States" -- within the funded program or activity, no State or local government entity, -agency, or -official may interfere with the exercise of that power to interrogate "without warrant" (by agents of the United States acting under color of federal law) by impeding access to any State or local government (or government-contracted) correctional facility by such agents for the purpose "interrogat[ing] any alien or person believed to be an alien as to his [or her] right to be or to remain in the United States."

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. For purposes of this condition:

(1) The term "alien" means what it means under section 101 of the Immigration and Nationality Act (INA) (see 8 U.S.C. 1101(a)(3)).

(2) The term "correctional facility" means what it means under the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 34 U.S.C. 10251(a)(7)).

(3) The term "impede" includes taking or continuing any action, or implementing or maintaining any law, policy, rule, or practice, that--

(a) is designed to prevent or to significantly delay or complicate, or

(b) has the effect of preventing or of significantly delaying or complicating.

B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.



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SPECIAL CONDITIONS

46. Noninterference (within the funded "program or activity") with federal law enforcement: Notice of scheduled release

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts the award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward at any tier.

1. Noninterference with "removal" process: Notice of scheduled release date and time

Consonant with federal law enforcement statutes -- including 8 U.S.C. 1231 (for an alien incarcerated by a State or local government, a 90-day "removal period" during which the federal government "shall" detain and then "shall" remove an alien from the U.S. "begins" no later than "the date the alien is released from ... confinement"; also, the federal government is expressly authorized to make payments to a "State or a political subdivision of the State ... with respect to the incarceration of [an] undocumented criminal alien"); 8 U.S.C. 1226 (the federal government "shall take into custody" certain criminal aliens "when the alien is released"); and 8 U.S.C. 1366 (requiring an annual DOJ report to Congress on "the number of illegal alien[felons] in Federal and State prisons" and programs underway "to ensure the prompt removal" from the U.S. of removable "criminal aliens") -- within the funded program or activity, no State or local government entity, -agency, or -official (including a government-contracted correctional facility) may interfere with the "removal" process by failing to provide -- as early as practicable (see para. 4.C. below) -- advance notice to DHS of the scheduled release date and time for a particular alien, if a State or local government (or government-contracted) correctional facility receives from DHS a formal written request pursuant to the INA that seeks such advance notice.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

A. For purposes of this condition:

(1) The term "alien" means what it means under section 101 of the INA (see 8 U.S.C. 1101(a)(3)).

(2) The term "correctional facility" means what it means under the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 34 U.S.C. 10251(a)(7)).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, or any other entity or individual to maintain (or detain) any individual in custody beyond the date and time the individual otherwise would have been released.

C. Applicability

(1) Current DHS practice is ordinarily to request advance notice of scheduled release "as early as practicable (at least 48 hours, if possible)." (See DHS Form I-247A (3/17)). If (e.g., in light of the date DHS made such request) the scheduled release date and time for an alien are such as not to allow for the advance notice that DHS has requested, it shall NOT be a violation of this condition to provide only as much advance notice as practicable.

(2) Current DHS practice is to use the same form for a second, distinct purpose -- to request that an individual be



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detained for up to 48 hours AFTER the scheduled release. This condition does NOT encompass such DHS requests for detention.

D. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.

47. Requirement to collect certain information from subrecipients

The recipient may not make a subaward to a State, a local government, or a "public" institution of higher education, unless it first obtains from the proposed subrecipient responses to the questions identified in the program solicitation as "Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)." All subrecipient responses must be collected and maintained by the recipient, consistent with regular document retention requirements, and must be made available to DOJ upon request. Responses to these questions are not required from subrecipients that are either a tribal government/organization, a nonprofit organization, or a private institution of higher education.



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48. Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

a. New construction;

b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;

c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;

d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and

e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bjagov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

49. Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The trust fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.



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50. Prohibition on use of award funds for match under BVP program

JAG funds may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

51. Certification of body armor "mandatory wear" policies

The recipient agrees to submit a signed certification that all law enforcement agencies receiving body armor purchased with funds from this award have a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any subrecipients planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

52. Body armor - compliance with NIJ standards and other requirements

Ballistic-resistant and stab-resistant body armor purchased with JAG award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (<https://nij.gov/topics/technology/body-armor/Pages/compliant-ballistic-armor.aspx>). In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information can be found here: <https://nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx>.

53. Body armor - impact on eligibility for other program funds

The recipient understands that the use of funds under this award for purchase of body armor may impact eligibility for funding under the Bulletproof Vest Partnership (BVP) program, a separate program operated by BJA, pursuant to the BVP statute at 34 USC 10531(c)(5).

54. Reporting requirements

The recipient must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through OJP's GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

55. Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.

56. Expenditures prohibited without waiver

No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.



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57. Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2017

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2017), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via a Grant Adjustment Notice). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through a Grant Adjustment Notice, the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

Nothing in this condition shall be understood to authorize the recipient (or any subrecipient at any tier) to use award funds to "supplant" State or local funds in violation of the recipient's certification (executed by the chief executive of the State or local government) that federal funds will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.

58. Use of funds for DNA testing; upload of DNA profiles

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS.

No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA.

Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

59. Three percent set-aside for NIBRS compliance

The recipient must ensure that at least 3 percent of the total amount of this award is dedicated to achieving full compliance with the FBI's National Incident-Based Reporting System (NIBRS), unless the FBI or appropriate State official has certified that the recipient locality is already NIBRS compliant, and evidence of this has been submitted to and approved by BJA. The recipient will be required by BJA to make revisions to budgets that do not clearly indicate what projects will be supported by this 3 percent set-aside, unless evidence of NIBRS compliance has been submitted to and approved by BJA. Recipients serving as fiscal agents for "disparate jurisdictions," (as defined at 34 USC 10156(d)(4)) have to pass this requirement through to in subawards to other localities in the disparate jurisdiction, so that each locality in a disparate jurisdiction group dedicates at least 3 percent of award funds to NIBRS compliance, unless, with respect to each locality in the disparate jurisdiction group, evidence of NIBRS compliance has been submitted to and approved by BJA.



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60. Encouragement of submission of "success stories"

BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to a My BJA account at [https:// www.bja.gov/ Login.aspx](https://www.bja.gov/Login.aspx) to access the Success Story Submission form. If the recipient does not yet have a My BJA account, please register at [https:// www.bja.gov/ profile.aspx](https://www.bja.gov/profile.aspx). Once registered, one of the available areas on the My BJA page will be "My Success Stories." Within this box, there is an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the BJA Success Story web page at [https:// www.bja.gov/ SuccessStoryList.aspx](https://www.bja.gov/SuccessStoryList.aspx).

61. Withholding of funds: Required certification from the chief executive of the applicant government

The recipient may not obligate, expend, or draw down any award funds until the recipient submits the required "Certifications and Assurances by the Chief Executive of the Applicant Government," properly-executed (as determined by OJP), and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

62. Recipient may not obligate, expend or drawdown funds until the Bureau of Justice Assistance, Office of Justice Programs has received and approved the required application attachment(s) and has issued a Grant Adjustment Notice (GAN) releasing this special condition.



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Orbin Terry, NEPA Coordinator

Subject: Incorporates NEPA Compliance in Further Developmental Stages for Unified Government of Wyandotte County/ Kansas City

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <https://www.bja.gov/Funding/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.

	U.S. Department of Justice Office of Justice Programs Bureau of Justice Assistance		GRANT MANAGER'S MEMORANDUM, PT. I: PROJECT SUMMARY	
			Grant	
		PROJECT NUMBER 2018-DJ-BX-0205	PAGE 1 OF 1	
This project is supported under FY18(BJA - JAG State & JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10101 - 10726), including subpart I of part E (codified at 34 U.S.C. 10151 - 10158); see also 28 U.S.C. 530C(a)				
1. STAFF CONTACT (Name & telephone number) Maria T. Anderson (202) 598-7381		2. PROJECT DIRECTOR (Name, address & telephone number) Laura Cromwell Professional Fiscal Assistant 700 Minnesota Ave. Kansas City., KS 66101-2704 (913) 573-6067		
3a. TITLE OF THE PROGRAM BJA FY 18 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation			3b. POMS CODE (SEE INSTRUCTIONS ON REVERSE)	
4. TITLE OF PROJECT KCKPD Field Force Operations/SOU Equipment/CIT Training				
5. NAME & ADDRESS OF GRANTEE Unified Government of Wyandotte County/ Kansas City 701 North 7th Street Room G-2 Kansas City, KS 66101-3065		6. NAME & ADRESS OF SUBGRANTEE		
7. PROGRAM PERIOD FROM: 10/01/2017 TO: 09/30/2021		8. BUDGET PERIOD FROM: 10/01/2017 TO: 09/30/2021		
9. AMOUNT OF AWARD \$ 104,142		10. DATE OF AWARD 10/01/2018		
11. SECOND YEAR'S BUDGET		12. SECOND YEAR'S BUDGET AMOUNT		
13. THIRD YEAR'S BUDGET PERIOD		14. THIRD YEAR'S BUDGET AMOUNT		
15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse) The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of criminal justice related activities based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following purpose areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; 7) crime victim and witness programs (other than compensation); and 8) mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams. This Local JAG award will be used to support criminal justice initiatives that fall under one or more of the allowable program areas above. Any equipment				

purchases or funded initiatives such as overtime, task forces, drug programs or information sharing, will be aimed at reducing crime and enhancing public and officer safety.

NCA/NCF



Staff Request for Commission Action

Tracking No. 18463

Full Commission Meeting Date: N/A

Committee: Public Works & Safety

Date of Standing Committee Action: N/A
(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
10/10/2018	Laura Cromwell	x6067	Laura	Police Department

Item Description:

The Police Department's application for the FY2018 Strategies for Policing Innovation Grant has been accepted by the U.S. Department of Justice. This application was approved by Commission on May 31, 2018. This funding will be used to pay officers overtime to work in multiple micro hot-spot policing zones, known as Operation ICON zones. This funding will also be used to pay for officer safety upgrades to the department's tactical vehicle, the Bearcat, additional officer safety equipment, such as rifle grade shields for patrol officers, and other investigative equipment. The grant amount is \$700,000 and there is no UG match requirement. The grant project period extends from October 1, 2018 through September 30, 2022.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Operation ICON 2018-WY-BX-0001 Award Package



U.S. Department of Justice

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

October 1, 2018

Chief Terry Zeigler
Unified Government of Wyandotte County/Kansas City
701 North 7th Street, Room G-2
Kansas City, KS 66101-3065

Dear Chief Zeigler:

On behalf of Attorney General Jefferson Sessions III, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 18 Strategies for Policing Innovation in the amount of \$700,000 for Unified Government of Wyandotte County/Kansas City.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Heather Wiley, Program Manager at (202) 598-3969; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script, reading "Matt Dummermuth", is positioned above the printed name.

Matt Dummermuth
Principal Deputy Assistant Attorney General

Enclosures



OFFICE FOR CIVIL RIGHTS

Office of Justice Programs

U.S. Department of Justice

810 7th Street, NW
Washington, DC 20531

Tel: (202) 307-0690

TTY: (202) 307-2027

E-mail: askOCR@usdoj.gov

Website: www.ojp.usdoj.gov/ocr

OCR Letter to All Recipients

October 1, 2018

Chief Terry Zeigler
Unified Government of Wyandotte County/Kansas City
701 North 7th Street, Room G-2
Kansas City, KS 66101-3065

Dear Chief Zeigler:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

Ensuring Access to Federally Assisted Programs

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at <https://ojp.gov/about/ocr/vawafaqs.htm>.

Enforcing Civil Rights Laws

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website <https://www.lep.gov>.

Ensuring Equal Treatment of Faith-Based Organizations and Safeguarding Constitutional Protections Related to Religion

The DOJ regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38, updated in April 2016, prohibits all recipient organizations, whether they are law enforcement agencies, governmental agencies, educational institutions, houses of worship, or faith-based organizations, from using financial assistance from the DOJ to fund explicitly religious activities. Explicitly religious activities include worship, religious instruction, or proselytization. While funded organizations may engage in non-funded explicitly religious activities (e.g., prayer), they must hold them separately from the activities funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice. Funded faith-based organizations must also provide written notice to beneficiaries, advising them that if they should object to the religious character of the funded faith based organization, the funded faith-based organization will take reasonable steps to refer the beneficiary to an alternative service provider. For more information on the regulation, please see the OCR's website at <https://ojp.gov/about/ocr/partnerships.htm>.

SAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 34 U.S.C. § 10228(c); the Victims of Crime Act of 1984, as amended, 34 U.S.C. § 20110(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 34 U.S.C. § 11182(b); and VAWA, as amended, 34 U.S.C. § 12291(b)(13), contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

Using Arrest and Conviction Records in Making Employment Decisions

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: *Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013)*, available at https://ojp.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf. Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOPs) (see below).

Complying with the Safe Streets Act

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEOP (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

Meeting the EEOP Requirement

An EEOP is a comprehensive document that analyzes a recipient's relevant labor market data, as well as the recipient's employment practices, to identify possible barriers to the participation of women and minorities in all levels of a recipient's workforce. As a recipient of DOJ funding, you may be required to submit an EEOP Certification Report or an EEOP Utilization Report to the OCR. For more information on whether your organization is subject to the EEOP requirements, see <https://ojp.gov/about/ocr/eeop.htm>. Additionally, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 616-1771 or by e-mail at EEOPforms@usdoj.gov.

Meeting the Requirement to Submit Findings of Discrimination

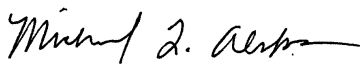
If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

Ensuring the Compliance of Subrecipients

SAAAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAAAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see <https://ojp.gov/funding/Explore/StateMethodsAdmin-FY2017update.htm>.

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,



Michael L. Alston
Director

cc: Grant Manager
Financial Analyst

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1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Unified Government of Wyandotte County/Kansas City 701 North 7th Street, Room G-2 Kansas City, KS 66101-3065		4. AWARD NUMBER: 2018-WY-BX-0001																			
		5. PROJECT PERIOD: FROM 10/01/2018 TO 09/30/2022 BUDGET PERIOD: FROM 10/01/2018 TO 09/30/2022																			
		6. AWARD DATE 10/01/2018		7. ACTION Initial																	
2a. GRANTEE IRS/VENDOR NO. 481194075		8. SUPPLEMENT NUMBER 00																			
2b. GRANTEE DUNS NO. 030693592		9. PREVIOUS AWARD AMOUNT \$ 0																			
3. PROJECT TITLE Kansas City Police Department - Operation ICON		10. AMOUNT OF THIS AWARD \$ 700,000																			
		11. TOTAL AWARD \$ 700,000																			
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).																					
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY18(BJA - Policing Innovations Award - Init for Evidence-Based Policing) Public Law 115-141, 132 Stat. 348, 420; title I of Public Law 90-351 (generally codified at 34 USC ch. 101); 28 USC 530C(a)																					
14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.738 - Edward Byrne Memorial Justice Assistance Grant Program																					
15. METHOD OF PAYMENT GPRS																					
[REDACTED] AGENCY APPROVAL [REDACTED]		[REDACTED] GRANTEE ACCEPTANCE [REDACTED]																			
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Matt Dummermuth Principal Deputy Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Terry Zeigler Chief of Police																			
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL		19A. DATE																	
[REDACTED] AGENCY USE ONLY [REDACTED]																					
20. ACCOUNTING CLASSIFICATION CODES		21. TWYUGT0940																			
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SPECIAL CONDITIONS

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any certifications or assurances submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2018 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2018 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2018 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.



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SPECIAL CONDITIONS

3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

5. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2016, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after-- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2016, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.



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7. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

8. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

9. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient)-- 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or 2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

10. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.



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11. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$150,000)), and are incorporated by reference here.

12. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

13. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

14. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

15. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.



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16. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

17. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

18. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

19. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

20. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.



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21. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

22. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2018)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2018, are set out at <https://ojp.gov/funding/Explore/FY18AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

23. Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (2) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.



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24. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.



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25. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

26. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

27. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

28. Verification and updating of recipient contact information

The recipient must verify its Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.

29. The award recipient agrees to participate in a data collection process measuring program outputs and outcomes. The data elements for this process will be outlined by the Office of Justice Programs.

30. The recipient is authorized to incur obligations, expend, and draw down funds in an amount not to exceed \$150,000 for the sole purpose of developing an SPI Action Plan. The grantee is not authorized to incur any additional obligations, or make any additional expenditures or draw-downs until BJA has reviewed and approved the recipient's SPI Action Plan, and a Grant Adjustment Notice (GAN) has been issued to remove this Special Condition.



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31. The recipient may not obligate, expend or draw down funds until the Office of the Chief Financial Officer (OCFO) has approved the budget and budget narrative and a Grant Adjustment Notice (GAN) has been issued to remove this special condition.
32. Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 42 U.S.C. 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.
33. The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.
34. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
35. With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.
36. Applicants must certify that Limited English Proficiency persons have meaningful access to the services under this program(s). National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice has issued guidance for grantees to help them comply with Title VI requirements. The guidance document can be accessed on the Internet at www.lep.gov.



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37. Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

38. Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

39. Required attendance at BJA-sponsored events

The recipient (and its subrecipients at any tier) must participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.

40. Recipient understands and agrees that it must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through GMS (<https://grants.ojp.usdoj.gov>), and that it must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website (<https://bjapmt.ojp.gov/>). For more detailed information on reporting and other requirements, refer to BJA's website. Failure to submit required reports by established deadlines may result in the freezing of grant funds and High Risk designation.

41. The recipient agrees to submit to BJA for review and approval any curricula, training materials, proposed publications, reports, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) working days prior to the targeted dissemination date. Any written, visual, or audio publications, with the exception of press releases, whether published at the grantee's or government's expense, shall contain the following statements: "This project was supported by Grant No. 2018-WY-BX-0001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice." The current edition of the DOJ Grants Financial Guide provides guidance on allowable printing and publication activities.



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42. Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.



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43. Noninterference (within the funded "program or activity") with federal law enforcement: 8 U.S.C. 1373 and 1644; ongoing compliance

1. With respect to the "program or activity" funded in whole or part under this award (including any such program or activity of any subrecipient at any tier), throughout the period of performance, no State or local government entity, - agency, or -official may prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. 1373(a); or (2) a government entity or -agency from sending, requesting or receiving, maintaining, or exchanging information regarding immigration status as described in either 8 U.S.C. 1373(b) or 1644. Any prohibition (or restriction) that violates this condition is an "information-communication restriction" under this award.

2. Certifications from subrecipients. The recipient may not make a subaward to a State, a local government, or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373 and 1644, properly executed by the chief legal officer of the government or educational institution that would receive the subaward, using the appropriate form available at <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>. Also, the recipient must require that no subrecipient (at any tier) may make a further subaward to a State, a local government, or a public institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373 and 1644, properly executed by the chief legal officer of the government or institution that would receive the further subaward, using the appropriate OJP form.

3. The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

4. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) that the recipient, or any subrecipient at any tier that is a State, a local government, or a public institution of higher education, incurs to implement this condition.

5. Rules of Construction

A. For purposes of this condition:

(1) "State" and "local government" include any agency or other entity thereof, but not any institution of higher education or any Indian tribe.

(2) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")

(3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).

(4) "Immigration status" means what it means under 8 U.S.C. 1373 and 8 U.S.C. 1644; and terms that are defined in 8 U.S.C. 1101 mean what they mean under that section 1101, except that "State" also includes American Samoa.

(5) Pursuant to the provisions set out at (or referenced in) 8 U.S.C. 1551 note ("Abolition ... and Transfer of Functions"), references to the "Immigration and Naturalization Service" in 8 U.S.C. 1373 and 1644 are to be read as references to particular components of the Department of Homeland Security (DHS).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before



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award acceptance.

44. Authority to obligate award funds contingent on noninterference (within the funded "program or activity") with federal law enforcement (8 U.S.C. 1373 and 1644); unallowable costs; notification
1. If the recipient is a "State," a local government, or a "public" institution of higher education:
- A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction."
- B. In addition, with respect to any project costs it incurs "at risk," the recipient may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the program or activity of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that would be reimbursed in whole or in part with award funds was subject to any information-communication restriction.
- C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and each subrecipient (regardless of tier) that is a State, local government, or public institution of higher education, is in compliance with the award condition entitled "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance."
- D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded program or activity of the recipient, or of any subrecipient at any tier that is either a State or a local government or a public institution of higher education, may be subject to any information-communication restriction. In addition, any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must require prompt notification to the entity that made the subaward, should the subrecipient have such credible evidence regarding an information-communication restriction.
2. Any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the program or activity of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any information-communication restriction.
3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the "Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition.
4. Rules of Construction
- A. For purposes of this condition "information-communication restriction" has the meaning set out in the "Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" condition.
- B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" condition are incorporated by reference as though set forth here in full.



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45. Noninterference (within the funded "program or activity") with federal law enforcement: No public disclosure of certain law enforcement sensitive information

SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward (at any tier).

1. Noninterference: No public disclosure of federal law enforcement information in order to conceal, harbor, or shield

Consistent with the purposes and objectives of federal law enforcement statutes and federal criminal law (including 8 U.S.C. 1324 and 18 U.S.C. chs. 1, 49, 227), no public disclosure may be made of any federal law enforcement information in a direct or indirect attempt to conceal, harbor, or shield from detection any fugitive from justice under 18 U.S.C. ch. 49, or any alien who has come to, entered, or remains in the United States in violation of 8 U.S.C. ch. 12 -- without regard to whether such disclosure would constitute (or could form a predicate for) a violation of 18 U.S.C. 1071 or 1072 or of 8 U.S.C. 1324(a).

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions (e.g., training) designed to ensure compliance with this condition.

4. Rules of construction

- A. For purposes of this condition--

(1) the term "alien" means what it means under section 101 of the Immigration and Nationality Act (see 8 U.S.C. 1101(a)(3));

(2) the term "federal law enforcement information" means law enforcement sensitive information communicated or made available, by the federal government, to a State or local government entity, -agency, or -official, through any means, including, without limitation-- (1) through any database, (2) in connection with any law enforcement partnership or -task-force, (3) in connection with any request for law enforcement assistance or -cooperation, or (4) through any deconfliction (or courtesy) notice of planned, imminent, commencing, continuing, or impending federal law enforcement activity;

(3) the term "law enforcement sensitive information" means records or information compiled for any law enforcement purpose; and

(4) the term "public disclosure" means any communication or release other than one-- (a) within the recipient, or (b) to any subrecipient (at any tier) that is a government entity.

B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File
From: Orbin Terry, NEPA Coordinator
Subject: Categorical Exclusion for Unified Government of Wyandotte County/Kansas City

The FY18 Strategies for Policing Innovation grant program will build upon analysis-driven, evidence-based policing by encouraging state, local, and tribal law enforcement agencies to develop effective, economical, and innovative responses to crime. None of the following activities will be conducted either under the OJP federal action or a related third party action:

- 1) New construction;
- 2) Any renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year flood plain;
- 3) A renovation which will change the basic prior use of a facility or significantly change its size;
- 4) Research and technology whose anticipated and future application could be expected to have an effect on the environment; or
- 5) Implementation of a program involving the use of chemicals.

Additionally, the proposed action is neither a phase nor a segment of a project which when reviewed in its entirety would not meet the criteria for a categorical exclusion. Consequently, the subject federal action meets the Office of Justice Programs' criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of Title 28 of the Code of Federal Regulations.

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	Grant	
	PROJECT NUMBER 2018-WY-BX-0001	PAGE 1 OF 1
This project is supported under FY18(BJA - Policing Innovations Award - Init for Evidence-Based Policing) Public Law 115-141, 132 Stat. 348, 420; title I of Public Law 90-351 (generally codified at 34 USC ch. 101); 28 USC 530C(a)		
1. STAFF CONTACT (Name & telephone number) Heather Wiley (202) 598-3969	2. PROJECT DIRECTOR (Name, address & telephone number) Michael Vivian Major 701 North 7th Street Kansas City, KS 66101-3065 (913) 573-6023	
3a. TITLE OF THE PROGRAM Purpose Area 2: Responding to Precipitous Increase in Crime		3b. POMS CODE (SEE INSTRUCTIONS ON REVERSE)
4. TITLE OF PROJECT Kansas City Police Department - Operation ICON		
5. NAME & ADDRESS OF GRANTEE Unified Government of Wyandotte County/Kansas City 701 North 7th Street, Room G-2 Kansas City, KS 66101-3065	6. NAME & ADDRESS OF SUBGRANTEE	
7. PROGRAM PERIOD FROM: 10/01/2018 TO: 09/30/2022	8. BUDGET PERIOD FROM: 10/01/2018 TO: 09/30/2022	
9. AMOUNT OF AWARD \$ 700,000	10. DATE OF AWARD 10/01/2018	
11. SECOND YEAR'S BUDGET	12. SECOND YEAR'S BUDGET AMOUNT	
13. THIRD YEAR'S BUDGET PERIOD	14. THIRD YEAR'S BUDGET AMOUNT	
15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse) Strategies for Policing Innovation provides resources and opportunities to enable police agencies to identify and define their most pressing crime problems and institute lasting operational and organizational changes in their agencies. Recipients of this grant program will test promising crime prevention, response, and reduction practices; implement evidence-based interventions; improve the effectiveness and efficiency of police agencies' processes and procedures; and establish a system for evaluating their effectiveness. SPI is part of the Project Safe Neighborhoods (PSN) Suite of Programs, which is focused on reducing violent crime. These initiatives will coordinate proactively with the PSN team in the respective district of the United States Attorney's Office (USAO) to enhance collaboration and strengthen the commitment to reducing violent crime. The grantee will use the funds for costs related to high-visibility proactive policing under the initiative, Operation ICON (Impacting Crime in Our Neighborhoods).		

These efforts will include traffic enforcement, pedestrian checks, residential and business checks, and positive community engagement contacts within an identified high-crime 20 square mile geographic region of Kansas City, Kansas.

CA/NCF



Staff Request for Commission Action

Tracking No. 18449

Full Commission Meeting Date: 11/08/18

Committee: Public Works & Safety

Date of Standing Committee Action: 10/22/18

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
10/05/2018	Kirk Suther	x8734	ksuther@wycokck.org	Public Works

Item Description:

It is required by the Kansas Department of Health and Environment (KDHE) that each county has a Solid Waste Planning Committee. It is also required by KDHE that the Solid Waste Plan be reviewed on an annual basis by the Committee and be approved by the Board of Commissioners. The review should address any changes in the solid waste management system since the last plan review and include any recommendations of the committee.

The attached document includes the minutes of the Solid Waste Planning Committee meeting for the 2017 yearly review.

Action Requested:

It is requested that the Standing Committee accept and approve the review and recommendations of the Solid Waste Planning Committee and forward to the Full Commission for approval.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

2018 Wyandotte County Solid Waste Minute Summary

Wyandotte County Solid Waste Committee Minutes of Annual Meeting on May 8, 2018

Attending: John Blessing, Zack Daniel, Maureen Mahoney, Greg Talkin, Amber McCullough, Ingrid Seltzer, and Kirk Suther.

1. *Approval of May 23, 2017 Minutes.* Maureen made a motion to accept the minutes. Zack seconded the motion. Motion approved.

2. *Review of Solid Waste Plan.* A Power Point presentation giving an overview of the Wyandotte County Solid Waste Plan was presented. The infrastructure of the systems in place to manage solid waste were discussed such as residential trash services, curbside recycling services, drop off recycling centers, glass recycling, electronics recycling, business and governmental recycling, yard waste programming, food waste programming, and household hazardous waste programming.

3. *Review of Goals.* As part of the PowerPoint presentation we looked at results of our 2015 adopted goals. When evaluating the types of strategies to incorporate in order to reduce the amount solid waste disposed of, the major waste reduction strategies are reduce, reuse, recycle, yard and food waste reduction, and special waste reduction. The following goals were adopted as part of the Wyandotte County's Solid Waste Plan 5-year update conducted in 2015.

Reduce and Reuse Strategies:

1. *Continuation of education for Local Government employees with reduce, reuse, and recycling strategies.*
2. Continue operation of the Unified Government SWAP: Surplus with a Purpose. This program collects extra office supplies and has them available for reuse by other departments.
3. Educate residents and businesses about waste reduction ideas.
4. Educate and encourage public to utilize reuse facilities, e.g. thrift shops etc.
5. Educational information to encourage grass-cycling.
6. Encourage government, schools, and business procurement policies for promoting source reduction.

Recycling Strategies for Residents:

1. Continue on-going efforts to educate residents about solid waste disposal and recycling services available to them.
2. Continue the curbside recycling program in Kansas City and Bonner Springs.
3. *Curbside recycling for Edwardsville.*
4. Continue providing containers for special events recycling.
5. *Continue on-going office recycling program for Local Governments.*
6. *Encourage and promote participation from the community to utilize recycling centers and drop off containers.*
7. Encourage and promote the participation of residents and businesses with the glass recycling drop off containers of Ripple Glass.

Recycling Strategies for Businesses:

1. Identify the current infrastructure available for businesses and apartment complexes for recycling.
2. Develop recycling educational resources for businesses and apartment complexes.
3. Promote and encourage recycling for businesses and apartment complexes.

Yard Waste Reduction Strategies:

1. Continue to promote Wyandotte County Yard Waste drop off center.
2. Cooperative educational programming with K-State Extension on composting.
3. Identify the infrastructure in place to handle a higher volume of dead trees as a result of diseases or pests such as the emerald ash borer.

Food Waste Strategies:

1. Investigate to see what type of infrastructure and/or programming is available to address food waste in both the residential and business waste streams.

Special Wastes:

1. Continuation of the household hazardous waste collection days for residents of Wyandotte County, if budget allows.
2. As long as resources are available, implement e-waste drop off events for the public.
3. Development and implementation of programming to address the problem with illegal dumping and illegal tire dumping in Wyandotte County.

4. ***Changes to Solid Waste Infrastructure.*** There was one addition to the solid waste infrastructure in 2017 as the Unified Government resumed drop off recycling at the Recycling & Yard Waste Center located at 3241 Park Dr., Kansas City, Kansas.

5. ***Other.*** In 2016, Johnson County conducted a waste characterization study which identified the composition of the waste stream generated in Wyandotte County. In 2017 the Mid America Regional Council had ETC Institute conduct a Recycling Survey for the metropolitan area.

John gave an update on how China is impacting the recycling market. China is the world's largest importer of recyclables. He indicated that a large amount of the 90% of recyclables exported by Waste Management goes to China. China's goal is for them to internally supply recyclables demanded by their manufacturers. They recently changed their import rules for to only accept recyclables at a .5% contamination rate. The current contamination of recyclables in the U.S. is 25% while that number is 15% in the metropolitan area. John indicated that reaching a .5% contamination rate is not attainable. He doesn't believe that the import rules will stand. He indicated that there is a need for recycling contamination to be addressed. He said Waste Management has a website to help address this problem at Recycling Often Recycle Right. It was recommended that we form a subcommittee including Waste Management, the BPU, Edwardsville, Bonner Springs and the Unified Government to come up with an educational campaign on recycling.



Staff Request for Commission Action

Tracking No. 18457

Full Commission Meeting Date: 11/8/18

Committee: Public Works & Safety

Date of Standing Committee Action: 10/22/18

(If none, please explain):

Publication Required: Yes 11/15/2018

<u>Date:</u> 10/10/2018	<u>Contact Name:</u> Alan Howze	<u>Contact Phone:</u> x8951	<u>Contact Email:</u> Alan	<u>Department/Division:</u> Technology
<u>Item Description:</u> An ordinance that would allow MCI metro Access Transmission Services, Corp. d/b/a Verizon Access Transmission Services to use Unified Government rights-of-way to provide telecommunication services to its customers, submitted by Alan Howze, Chief Knowledge Officer.				
<u>Action Requested:</u> To approve the ordinance.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> MCI metro(Verizon) Franchise - (City 6.11.18)(Vz 7.11.18) - UG version				

ORDINANCE NO. _____

AN ORDINANCE OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY KANSAS, GRANTING TO MCIMETRO ACCESS TRANSMISSION SERVICES, CORP. D/B/A VERIZON ACCESS TRANSMISSION SERVICES ITS SUCCESSORS AND ASSIGNS, A FIBER OPTIC CABLE FRANCHISE AND PRESCRIBING THE TERMS OF SAID GRANT AND RELATING THERETO.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY KANSAS, KANSAS:

FRANCHISE AGREEMENT

This Franchise Agreement is made this _____ day of _____, 2018, by and between the Unified Government of Wyandotte County/Kansas City, Kansas, a municipal corporation (City), and **MCIMETRO ACCESS TRANSMISSION SERVICES, CORP. D/B/A VERIZON ACCESS TRANSMISSION SERVICES** Franchised to do business in the State of Kansas (MCI).

WHEREAS, pursuant to the laws of the State of Kansas and the Right-of-Way Management Ordinance codified at Chapter 32, Article II of the Code of Ordinances of the Unified Government of Wyandotte County/Kansas City, Kansas, the authority to use the public rights of way within the City, is vested in the reasonable police powers of the City; and

WHEREAS, MCI wishes to construct, operate, lease and maintain a telecommunications system in certain portions of the City's rights of way.

NOW, THEREFORE, in light of the mutual promises and obligations contained herein, and in exchange for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties agree as follows:

SECTION 1. Definitions.

For the purposes of this Franchise Agreement, the following words and phrases shall have the meanings given herein:

- (a) "Access line" - shall mean and be limited to retail billed and collected residential lines; business lines; ISDN lines; PBX trunks and simulated exchange access lines provided by a central office based switching arrangement where all stations served by such simulated exchange access lines are used by a single customer of the provider of such arrangement. Access line may not be construed to include interoffice transport or other transmission media that do not terminate at an end user customer's premises, or to permit duplicate or multiple assessment of access line rates on the provision of a single service or on the multiple

communications paths derived from a billed and collected access line. Access line shall not include the following: Wireless telecommunications services, the sale or lease of unbundled loop facilities, special access services, lines providing only data services without voice services processed by a telecommunications localexchange service provider or private line service arrangements.

- (b) "Access line count" - means the number of Access lines serving consumers within the corporate boundaries of the City on the last day of each month.
- (c) "Access line fee" - means a fee determined by the City, up to a maximum as set out in K.S.A. 12- 2001(c)(3), and amendments thereto, to be used by Grantee in calculating the amount of Access line remittance.
- (d) "Access line remittance" - means the amount to be paid by Grantee to City, the total of which is calculated by multiplying the Access line fee, as determined in the City, by the number of Access lines served by Grantee within the City for each month in that calendar quarter.
- (e) "City" shall mean the Unified Government of Wyandotte County/Kansas City, Kansas. References to the City shall also include, as appropriate, any and all successors and assigns.
- (f) "Facilities" shall mean telecommunications lines, conduits, manholes, ducts, wires, cables, pipes, poles, appliances, and all appurtenances and improvements thereto used to provide Telecommunication Services, whether existing above or below ground.
- (g) "Franchise" shall mean a grant conveying the right, privilege, and authority to construct, operate, lease and maintain Facilities in, through and along the City's right of way for the purposes of supplying communications services.
- (h) "MCI" shall mean MCImetro Access Transmission Services, Corp. D/B/A Verizon Access Transmission Services, certified by the Kansas Corporation Commission (KCC) as a competitive local exchange carrier and an interexchange carrier on February 19, 1996. References to MCI shall also include, as appropriate, any and all successors and assigns.
- (i) "Private party" means a non-governmental entity.
- (j) "Public Improvement" shall mean any existing or contemplated public facility, building, or capital improvement project, including but not limited to streets, alleys, sidewalks, sewers, water mains, drainage conduits, telecommunication conduits, rights of way improvements, and other Public Projects.

- (k) "Public Project" shall mean any project planned or undertaken by the City or any other governmental entity for the construction, reconstruction, maintenance, or repair of public facilities or Public Improvements, or for any public purpose.
- (l) "Public Rights of Way" shall mean only those areas of real property in which the City has dedicated or acquired rights of way interests in the real property. It shall include the area on, below, or above the present and future streets, sidewalks, alleys, avenues, roads, highways, parkways, boulevards, or bridges dedicated or acquired as rights of way. The term does not include the airwaves above rights of way with regard to wireless telecommunications, other non-wire telecommunications, or broadcast service, easements obtained by utilities, or private easements in platted subdivisions or tracts.
- (m) "Telecommunications Services" shall mean providing the means of transmission between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information sent and received.

All definitions not specifically defined herein shall have the meaning ascribed to them by applicable federal, state or local law.

SECTION 2. Grant of Franchise.

- (a) For and in recognition of the mutual consideration set forth in this Franchise Agreement, the satisfaction of which is hereby acknowledged by both parties, MCI, is hereby granted a nonexclusive Franchise to construct, place, replace, repair, maintain, extend, lease and operate its Facilities along, across, upon, under, or in the City's Public Rights of Way, for the purpose of providing a telecommunications network to provide Telecommunications Services. The City may, in writing, approve amendments to the locations and to the routes of MCI's fiber optic facilities, which approval shall not be unreasonably withheld, conditioned or delayed.
- (b) This Franchise Agreement does not grant MCI the authority or right to provide end user "Cable Service." For the purposes of this agreement, "Cable Service" is defined as the one-way transmission to subscribers of video programming or other programming services, and subscriber interaction, if any, which is required for the selection of such video programming or other programming service.
- (c) The grant of this Franchise Agreement shall not convey title, equitable or legal, to MCI in the Public Rights of Way of the City and shall only give to MCI the right to occupy the Public Rights of Way of the City for the purposes and for the time stated in this Franchise Agreement. The Franchise Agreement DOES NOT:

(1) Grant MCI the right to use Facilities or any other property, telecommunications-related or otherwise, owned or controlled by the City or a third party, without the valid written consent of the City or the third party.

(2) Grant MCI the authority to construct, to operate, or to maintain any Facilities and any related appurtenances and improvements thereto on any property owned by the City outside a Public Right of Way, including but not limited to public parks, City Hall, public works facilities, or other public property. The parties agree that the City and MCI shall -- if it becomes necessary -- enter into separate agreements for the placement of Facilities and any related appurtenances and improvements thereto on any City-owned property not located in a Public Right of Way.

(3) Excuse MCI from obtaining appropriate access or attachment agreements before locating its Facilities and any related appurtenances and improvements thereto on any property or facilities owned or controlled by the City or by any third party.

(d) As noted in subsection (b), MCI shall not provide any additional services for which a separate franchise is required by the City without first obtaining a separate franchise or amending this Franchise Agreement. In particular, this Franchise Agreement does not grant MCI the right to provide cable service as a cable operator (as defined by 47 U.S.C. § 522(5)) within the City. MCI also agrees that this Franchise Agreement does not permit it to operate an open video system as a Cable Service without the payment of fees contemplated by 47 U.S.C. § 573(c)(2)(B) and without complying with all FCC regulations promulgated pursuant to 47 U.S.C. § 573. MCI shall not knowingly allow the use of its Facilities by any third party in violation of this subsection or of any federal, state, or local laws.

(e) Nothing in this Franchise Agreement shall be construed as giving MCI any exclusive rights or privileges.

(f) MCI or MCI's contractor shall, prior to commencing any construction of MCI's Facilities in a Public Right of Way, post a payment bond in an amount equal to the estimated construction costs assuring that the construction of MCI's Facilities in the Public Right of Way will be constructed without the attachment of any construction liens. Such payment bond will be returned by the City and cancelled upon MCI providing reasonable proof of payment for the construction.

(g) Notwithstanding anything herein to the contrary, MCI reserves all rights it may have under applicable federal, state and local laws affecting this Franchise Agreement, including but not limited to K.S.A. 12-2001.

SECTION 3. Use of Public Rights of Way.

In using Public Rights of Way under this Franchise Agreement, MCI shall be subject to all applicable ordinances, resolutions, rules, regulations, and policies now or hereafter adopted or promulgated by the City in the reasonable exercise of its police powers and shall be subject to all applicable laws, statutes, ordinances, regulations, orders, and rules adopted or promulgated by any governing body now or hereafter having appropriate jurisdiction, including but not limited to Unified Government Ordinance Sections 32-206, *et seq.* As a condition of this Franchise Agreement, MCI shall obtain and shall be responsible for obtaining and maintaining any necessary permits, licenses, certifications, grants, registrations, or other authorizations required by any appropriate governmental entity, including but not limited to the FCC, the KCC, or the City, subject to MCI's right to challenge in good faith such requirement. In addition, MCI shall be subject to all applicable ordinances, resolutions, rules, regulations, and policies now or hereafter adopted or promulgated by the City relating to the use of Public Rights of Way, including but not limited to permits, sidewalk and pavement cuts, utility location, construction coordination, planned infrastructure requirements (Unified Government Ordinance Sec. 32-217), "Complete Streets" policies, beautification and aesthetic requirements, tree care, and other requirements affecting the use of Public Rights of Way. MCI shall also comply with the following:

- (a) MCI's use of the Public Rights of Way shall in all matters be subject and subordinate to the City's use of the Public Rights of Way for any public purpose or for any purpose relating to the health, safety, and welfare of the City. MCI shall coordinate the placement of its Facilities in a manner that minimizes adverse impact on Public Improvements as reasonably determined by the City. Where placement is not otherwise regulated, the Facilities shall be placed with adequate clearance from such Public Improvements so as not to impact or be impacted by such Public Improvements.
- (b) All earth, materials, sidewalks, paving, crossings, utilities, Public Improvements, or improvements of any kind that are injured, damaged, or removed by MCI, while engaging in any activity under this Franchise Agreement, shall be fully repaired or replaced within a reasonable time by MCI at its sole cost and expense and to the reasonable satisfaction of the City.
- (c) MCI shall keep and maintain accurate records and as-built drawings depicting the accurate location of all Facilities constructed, reconstructed, located, or relocated in the Public Rights of Way of the City after the date hereof and shall provide that information to the City annually or upon its request. Such location and identification shall be at the sole cost and expense of MCI, without any such cost or expense to the City or its authorized agents and contractors.

Specifically, prior to the commencement of any construction or alteration of its Facilities located in the rights-of-way, if underground construction is proposed, MCI shall furnish to the County Engineer a subsurface utility engineering study

on the proposed route of construction, expansion or alteration, which shall consist of the following tasks:

1. All available plans, plats, rout diagrams and other location data indicating the existence and approximate location of all Facilities along the proposed construction route;
2. Completion of a visual survey and written record of the location and dimensions of any above ground features of any underground Facilities along the proposed construction route, including but not limited to manholes, valve boxes, utility boxes, posts and visible street cut repairs;
3. Plot and incorporate data onto the MCI's proposed system route maps, plan sheets and computer aided drafting and design (Shapefile) files; and
4. Provide all such data collected into a Shapefile (or other format as may be identified by the County Engineer) compatible with that used by the County Engineer and deliver a paper and computer file copy to the County Engineer.

The City agrees to use any information obtained under this subsection only to locate utility facilities in connection with Public Projects and further agrees not to disclose such information to anyone other than City employees requiring such information to locate utility facilities in connection with Public Projects, except as may otherwise be required by law. The City and MCI agree that such information is confidential and proprietary. The City and MCI also agree that such information shall remain the sole property of MCI. The City and MCI further agree that such information shall not constitute an open public record as that term is defined by the Kansas Open Records Act, codified as amended at K.S.A. 45-215 et seq. In the event that the City shall be required to disclose such information, the City shall provide MCI advance written notice of its intended disclosure of such information and shall take such action as may be reasonably required to cooperate with MCI in safeguarding such information.

MCI agrees to indemnify and to hold the City harmless from any and all penalties or costs, including reasonable attorneys' fees, incurred by the City, at the written request of MCI, in seeking to safeguard the confidentiality of information provided to the City by MCI under this section.

(d) Except in cases of emergency, a minimum of fourteen (14) days prior to construction, reconstruction, location, or relocation of any Facilities in a Public Right of Way, MCI shall submit to the County Engineer, or his or her designee, for approval, plans and specifications related to the proposed construction, reconstruction, location, or relocation. The City shall not unreasonably withhold, delay, or condition approval of said plans and specification. The City's review of the plans and specifications shall be confined to matters impacting the interests of the City in managing the Public Rights of Way of the City.

(e) As reasonably necessary to accommodate City projects (not to include private parties), MCI shall relocate or adjust any of its Facilities located in a Public Right of Way for a Public Project upon forty-five (45) days written notice from the City. Such relocation or adjustment shall be performed by MCI at its sole cost and expense, without any cost or expense to the City or its authorized agents and Contractors and shall be subject specifically to the rules and regulations of the City.

Notwithstanding Section 3(e), MCI shall not be responsible for the expenses of relocation of its Facilities to accommodate any private party need. The expenses attributable to such a project shall be the responsibility of the private party upon the request and appropriate documentation of MCI. Before such expenses may be billed to the private party, MCI shall coordinate with the private party and the City on the design and construction to ensure that the work required is necessary and done in a cost effective manner. MCI may require payment in advance of estimated costs or relocation prior to undertaking any work required to accommodate any installation initiated after the effective date of this Agreement.

(f) It shall be the sole responsibility of MCI to take adequate measures to protect and defend its Facilities in the Public Rights of Way from harm and damage. If MCI fails to accurately or timely locate its Facilities when requested after being provided a reasonable amount of time to perform such work, then MCI has no claim for costs or damages against the City or its authorized agents and Contractors or any other party authorized to be in the Public Rights of Way, except to the extent that such harm or damage is caused by such party's negligent or intentional conduct. The City and its authorized agents and Contractors agree to take reasonable precautionary measures, including but not limited to calling for utility locations and observing marker posts, when working near MCI's Facilities.

(g) Except in cases of emergency, MCI shall notify the City not less than ten (10) days in advance of any construction, reconstruction, repair, location, or relocation of Facilities that would require any street closure or that would reduce the traffic flow to less than two lanes of moving traffic. The City shall follow its policies in the approval or denial of such authority, neither of which shall be unreasonably denied nor delayed. Except in cases of emergency, no such closure shall take place without the prior authorization of the City.

In addition, all work performed in the traveled Public Rights of Way that, in any way, impacts vehicular or pedestrian traffic shall be properly signed, barricaded, and otherwise protected. For all work performed within the Public Rights of Way, MCI shall comply with the City's regulations, rules, and orders regarding the placement of signs, barricades, and other safeguards.

(h) All technical standards governing construction, reconstruction, installation, operation, testing, use, maintenance, and dismantling of the facilities in the

Public Rights of Way shall be in accordance with applicable present and future federal, state, and local laws and regulations.

(i) The City shall have the authority to prohibit MCI's use or occupation of a specific portion of any Public Right of Way that is environmentally sensitive, as defined by federal, state, or local law or regulation, or that lies within a previously designated historic district as defined by federal, state, or local law, provided such prohibition is applied in a competitively neutral, non-discriminatory manner.

(j) The Provider shall not expand or extend its Facilities without first obtaining the written approval from the County Administrator of the Unified Government. The County Administrator is authorized to review and approve an expansion or extension of MCI's Facilities. In the event MCI desires to expand or extend its Facilities, it shall submit a written application for said approval to the County Administrator, together with the Route Diagram and a description of all Facilities, locations and construction requirements of the proposed expansion or extension to MCI's Facilities. The County Administrator shall have forty-five (45) calendar days following the receipt of the MCI's written application for expansion, or extension of MCI's Facilities, to review the application and render his decision to (1) approve the application, (2) approve the application with conditions or (3) deny the application. If the County Administrator approves the application for expansion or extension of MCI's Facilities, the approval shall be issued to MCI in writing. The approval shall modify this Agreement accordingly, including the term "Facilities" herein, which said approval shall be incorporated into this Agreement as if fully set forth herein.

(k) MCI shall not place or cause to be placed any sort of signs, advertisements or other extraneous markings, whether relating to MCI or any other person or entity on the public right-of-way, except such necessary minimal markings as approved by the Unified Government as are reasonably necessary to identify the Facilities for service, repair, maintenance or emergency purposes, or as may be otherwise required to be affixed by applicable law or regulation.

(l) In the attachment, installation, removal, reattachment, reinstallation, relocation or replacement or otherwise of the Facilities, MCI shall neither remove, cut, nor damage any trees in and along the streets, alleys and public places of the Unified Government. Tree trimming and pruning may be permitted to occur only after prior written notice to the Unified Government of the extent of trimming and pruning to be performed and the prior written approval thereof by the Unified Government. The type and extent of trimming and pruning shall be in accordance with the requirements of the Unified Government.

SECTION 4. Compensation to the City.

(a) MCI is solely responsible for the payment of all lawful franchise and permit fees in connection with MCI's performance under this Agreement.

- (b) In consideration of this Franchise Agreement, MCI agrees to remit to the City a franchise fee of five percent (5%) of Gross Receipts ("Franchise Fee"). "Gross Receipts" means all revenues received directly or indirectly by a franchisee or its affiliates for communications services that either originate or terminate within the corporate limits of the city, and all revenue derived from the use of facilities. Such Gross Receipts means only those receipts collected from within the corporate boundaries of the City and which are derived from the following: (1) recurring local exchange service revenues from businesses and residences which includes basic telephone exchange service, touch tone, optional calling features and measured local calls; (2) recurring local exchange access line services for pay phone lines provided by a telecommunications local exchange service provider to all pay phone service providers; (3) local directory assistance (411); (4) line status verification/busy interrupt; (5) local operator assistance; (6) nonrecurring local exchange service revenue, which shall include customer service charges for installation of lines, reconnection of service and charge for duplicate bills, and (7) revenue received by Grantee for access lines that have been resold as set forth in K.S.A. 12-2001(n). All other revenues, including, but not limited to, revenues from extended area service, the sale or lease of unbundled network elements, nonregulated services, carrier and end user access, long distance or interexchange services, wireless telecommunications services, lines providing only data service without voice services processed by a telecommunications local exchange service provider, private line service arrangements, internet, broadband and all other services not wholly local in nature are excluded from Gross Receipts. Additionally, Gross Receipts shall not include revenues from cable services subject to a cable services franchise, or bad or uncollected debt and late charges, and any federal, state or local taxes or franchise fees separately stated on a customer's bill, provided, that a franchisee shall include uncollected debt in gross receipts at the time it is actually collected.
- (c) The City shall have the right to examine, upon written notice to MCI, those records necessary to verify the correctness of the franchise fee paid.
- (d) The Franchise Fee is compensation for the use of the right of way and shall in no way be deemed a tax of any kind.
- (e) Each Franchise Fee payment shall be accompanied by a statement showing the manner in which the Franchise Fee was calculated. The Franchise Fee payment should also specify occupation tax credit as identified in section 4(c) above.
- (f) The Franchise Fee shall be due on a quarterly basis. The first payment shall be due on the first day of the month following the date on Page 1 of this Franchise Agreement, without the City being responsible for submitting an invoice. Any

Franchise Fee not postmarked or delivered by the due date shall accrue interest from the due date until received, at the applicable statutory interest rate, as defined in K.S.A. 16-201.

SECTION 5. Indemnification.

(a) It shall be the responsibility of MCI to take adequate measures to protect and defend its Facilities in the Public Rights of Way from harm or damage. If MCI fails to accurately or timely locate its Facilities, when requested, in accordance with the Kansas Underground Utility Damage Prevention Act, K.S.A. 66-1801 et seq., then it has no claim for costs or damages against the City or its authorized Contractors, except to the extent such harm or damage is caused by such party's negligence or intentional conduct.

(b) MCI, and any successor or assign, agrees to indemnify, defend, save, and hold harmless the City, its officers, agents, employees, grantees, and assigns, from and against all claims, actions, liabilities, damages, costs, expenses, and judgments, including reasonable attorneys' fees, on account of any injury to persons (including death) or damage to property to the extent caused by MCI's activities in the Public Rights of Way under the terms of this Franchise Agreement. This indemnification clause shall not apply to any injury or damage caused by the City's own negligence or intentional conduct or that of its employees, agents, or Contractors. This indemnity provision shall extend beyond the termination or expiration of this Franchise Agreement.

(c) The City and MCI shall promptly advise the other in writing of any known claim or demand against MCI or the City related to or arising out of the MCI's activities in the Public Rights of Way.

SECTION 6. Transfer and Assignment.

(a) Pursuant to the written permission of the City, which shall not unreasonably be withheld, conditioned or delayed, MCI shall have the right to assign this Franchise Agreement and the rights and privileges hereby granted to any person, firm, or corporation, and any such assignee, who by accepting such assignment shall be bound by the terms and provisions of this Franchise Agreement. If MCI should seek approval to assign this Franchise Agreement, MCI shall notify the City in writing. All such assignments shall be in writing and authenticated copies thereof shall be filed with the City Clerk. This Franchise Agreement shall be assignable only in accordance with the laws of the State of Kansas. The City shall have the discretion to review the qualifications of any entity acquiring this Franchise Agreement.

(b) This prohibition shall not apply, and the City's prior consent shall be not required, in the case of sale, assignment, transfer, or lease by MCI to an affiliated entity or to a successor in interest to the merger, consolidation, sale or

acquisition of MCI; nor shall it apply to assignments made or security interests granted in order to secure financing.

SECTION 7. Notice.

All notices, requests, demands, or other communications hereunder shall be in writing and shall be deemed given if personally delivered or mailed, certified mail, return receipt requested, or by a recognized overnight delivery service, to the following addresses:

If to City:

Unified Government of Wyandotte County/Kansas City, Kansas
Attn: Unified Government Clerk
701 N. 7th Street
Kansas City, KS 66101

Unified Government of Wyandotte County/Kansas City, Kansas
Attn: Chief Counsel
701 N. 7th St., Suite 961
Kansas City, KS 66101

If to MCI:

Verizon Access Transmission Services,
Attn: Franchise Manager,
600 Hidden Ridge, Irving, TX 75038
Mail code: HQE02E102

with copy (except for invoices) to:

Verizon Business Services,
1320 N. Courthouse Rd., Suite 900
Arlington, VA, 22201
Attn: General Counsel, Network & Technology

Any such Notice shall be deemed effective upon actual receipt or refusal of receipt as shown on any return receipt obtained under this Section.

SECTION 8. Term and Termination Date.

(a) This Franchise Agreement shall be effective for a term of ten (10) years from the effective date of this Franchise Agreement. Thereafter, this Franchise Agreement will renew for one (1) additional ten (10) year term, unless either party notifies the other party in writing of its intent to terminate or renegotiate this Franchise Agreement not less than one hundred eighty (180) days before the termination of the then-current term. The additional term shall be deemed a

continuation of the Franchise Agreement and not a new Franchise Agreement or amendment.

(b) Upon written request of the City or MCI, this Franchise Agreement shall be renegotiated at any time upon either of the following events: (i) any change in federal, state, or local laws, ordinances, regulations, orders, or rules that materially affects any rights or obligations of either the City or MCI under this Franchise Agreement; or (ii) notice is given not less than one hundred eighty (180) days before the termination of the then-current term.

(c) If any clause, sentence, section, or provision of K.S.A. 17-1901 et seq., and any amendments thereto, shall be held to be invalid by any court or administrative agency of competent jurisdiction, provided such order is not stayed, either the City or MCI may elect to request an amendment to the Franchise Agreement to be consistent with the order, unless the Franchise Agreement cannot be reasonably amended to remain a valid agreement in light of the order, in which event either the City or MCI may elect to terminate the entire Franchise Agreement. In the event of such invalidity and termination, if either the City or MCI is required by law to enter into a new agreement or an Ordinance Franchise with the other, the parties agree to act in good faith to promptly negotiate a new agreement or an Ordinance Franchise.

SECTION 9. Termination or Forfeiture of Agreement.

(a) In case of failure on the part of MCI, its successors or assigns, to comply with any of the provisions of this Franchise Agreement, or if MCI, its successor or assigns, should do or cause to be done any act or thing prohibited by or in violation of the terms of this Franchise Agreement, then MCI, its successors or assigns, shall forfeit all rights and privileges granted by the Franchise Agreement and all rights hereunder shall cease, terminate, and become null and void, provided that said forfeiture shall not take effect until the City shall complete the following:

Before the City may proceed to terminate this Franchise Agreement, it shall first serve a written notice as provided by the Notice provisions of this Franchise Agreement, setting forth in detail the conditions of neglect, default, or failure complained of, and MCI shall have ninety (90) days after the receipt of such notice in which to comply with the conditions of this Franchise Agreement. If, at the end of such ninety (90) day period, the City deems that the conditions of the Franchise Agreement have not been met and that such Franchise Agreement is subject to cancellation thereunder, then the City shall terminate the Franchise Agreement, unless compliance with the conditions cannot be reasonably accomplished within said ninety (90) day period, in which event MCI shall have such additional time as is reasonably necessary provided MCI has commenced the cure

within said ninety (90) day period and diligently prosecutes the cure to completion.

(b) MCI, its successors or assigns, may terminate this Franchise Agreement by notifying the City of its intent to terminate not less than thirty (30) days prior to the annual anniversary date of this execution of this Franchise Agreement.

(c) In the event of forfeiture or termination of the Franchise Agreement under this Section, MCI agrees that all compensation paid theretofore to the City shall be forfeited.

SECTION 10. Rights and Duties upon Termination of Agreement.

Upon termination of this Franchise Agreement, whether by lapse of time, agreement by the parties, or by forfeiture, MCI shall have the right to abandon in place or, at its option, to remove its Facilities from the Public Rights of Way within a reasonable time after such termination. In the case of the latter event, it shall be the duty of MCI immediately upon removal to restore the Public Rights of Way from which said Facilities are removed to as good condition as the same were before said removal was effected, ordinary wear and tear and damages not caused by MCI excepted, without cost to the City. In the case of the former event, abandonment by MCI shall operate to vest in the City all title, rights, and ownership of the abandoned facilities in their AS-IS, WHERE-IS condition with no warranties or guarantees of any kind.

SECTION 11. Insurance.

(a) During the initial term, the renewal term, or any other extension of this Franchise Agreement, MCI shall obtain and maintain insurance coverage, at its sole cost and expense, with financially reputable insurers that are licensed to do business in the State of Kansas. Should MCI elect to use the services of an affiliated captive insurance company for this purpose, MCI shall obtain and possess a certificate of authority from the Kansas Insurance Commissioner. MCI shall provide not less than the following insurance:

(1) Worker's compensation as provided for under any workers' compensation or similar law in the jurisdiction where any work is performed with an employers' liability limit equal to the amount required by law.

(2) Commercial general liability, including coverage for contractual liability and products completed operations liability on an occurrence basis and not a claims made basis, with a limit of not less than Two Million Dollars (\$2,000,000.00) combined single limit per occurrence for bodily injury, personal injury, and property damage liability. The City shall be named as an additional insured with respect to liability arising from MCI's operations under this Franchise Agreement. MCI may utilize a

combination of primary and umbrella liability insurance policies to satisfy the insurance policy limit requirements herein.

(b) As an alternative to the requirements of Section 11(a), supra, MCI may demonstrate to the satisfaction of the City that it is self-insured and that it has the wherewithal to provide coverage in an amount no less than One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) in aggregate to protect the City from and against all claims by any person for loss or damage from death, personal injury, bodily injury, or property damage occasioned by MCI or so alleged to have been caused or to have occurred.

(c) MCI shall, as a material condition of this Franchise Agreement, prior to the commencement of any work, deliver to the City a certificate of insurance or evidence of self-insurance evidencing that the above insurance is in force and will not be cancelled without first giving the City thirty (30) days prior written notice. MCI may, at its option and discretion, assume responsibility for providing such notice to the City rather than its insurance carrier. MCI shall make available to the City, on request, at MCI's office in the City or MCI's nearest office to the City if MCI does not maintain an office in the City, the policy declarations page and a certified copy of the policy in effect so that limitations and exclusions can be evaluated for appropriateness of overall coverage.

(d) MCI shall, as a material condition of this Franchise Agreement, prior to the commencement of any work hereunder, deliver to the City satisfactory evidence of a performance bond in the amount of Twenty Thousand Dollars (\$20,000.00) payable to the City. The bond shall be used to ensure the appropriate and timely performance in the construction and maintenance of Facilities located in the Public Rights of Way and must be issued by a surety company authorized to transact business in the State of Kansas and satisfactory to the City Attorney or to the City's Legal Department in form and substance. The performance bond shall remain in effect (by initial issuance or through renewals) the entire term of the Ordinance to ensure the ongoing performance of the terms and obligations of the franchise as well as any future phases of construction and/or repair work. Notwithstanding the foregoing sentence, the City reserves the right to require MCI to provide additional financial assurance for future phases of construction and/or repair work, as reasonably determined by the City.

SECTION 12. Reservation of Rights.

In entering into this Franchise Agreement, neither the City's nor MCI's present or future legal rights, positions, claims, assertions, or arguments, before any administrative body or court of law are in any way prejudiced or waived. By entering into this Franchise Agreement, neither the City nor MCI waive any rights, but instead expressly reserve any and all rights, remedies, and arguments the City or MCI may have at law or equity, without limitation, to argue, assert and/or take any position as to the legality or appropriateness of this Franchise Agreement or any present or future laws, ordinances,

or rulings that may be the basis for the City or MCI entering into this Franchise Agreement.

SECTION 13. Failure to Enforce.

The failure of either the City or MCI to insist in any one or more instances upon the strict performance of one or more of the terms or provisions of this Franchise Agreement shall not be construed as a waiver or relinquishment of any right in the future to enforce such term or provision, and the same shall continue in full force and effect. No waiver or relinquishment of any term or provision of this Franchise Agreement shall be deemed to have been made by the City or MCI unless said waiver or relinquishment is in writing and signed by both the City and MCI.

SECTION 14. Force Majeure.

No party shall be liable for any failure to perform its obligations where such failure is a result of acts of God, fire, strikes, riots, floods, war, and other disasters or events beyond the City's or MCI's reasonable control.

SECTION 15. Severability.

If any provision, section, or subsection of this Franchise Agreement or the application thereof to any person or circumstance is declared invalid by a competent court of law, such invalidity shall not affect other provisions, sections, subsections, or applications of this Franchise Agreement that can be given effect without the invalid provision, section, subsection, or application, and to this end the provisions, sections, subsection, or applications of this Franchise Agreement are hereby declared to be severable.

SECTION 16. Governing Law.

The terms of this Franchise Agreement shall be governed by the laws of the State of Kansas.

IN WITNESS WHEREOF, the undersigned have caused this Franchise Agreement to be executed as of the date noted above.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

Douglas G. Bach

ATTEST:

APPROVED AS TO FORM:

City Clerk

Assistant Council

MCIMETRO ACCESS TRANSMISSION
SERVICES, CORP. D/B/A VERIZON ACCESS
TRANSMISSION SERVICES

Signature

Print Name and Title



Staff Request for Commission Action

Tracking No. 18461

Full Commission Meeting Date: 11/08/18

Committee: Public Works & Safety

Date of Standing Committee Action: 10/22/18

(If none, please explain):

Publication Required: Yes 11/15/2018

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
10/10/2018	Lideana Laboy	x5771	llaboy@wycokck.org	Public Works

Item Description:

Revision to City Ordinance Chapter 35, Sec. 35-281.

Add a line to identify 25 mph as the maximum speed limit in residential areas and 20 mph as maximum speed in city parks.

Action Requested:

It is requested that the Standing Committee accept and approve the recommendations of the revision to City Ordinance Chapter 35, Sec. 35-281 and forward to the Full Commission for approval.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Example_City of Olathe Municipal Code Section 10.01.033, Example_City of OP_Traffic Ordinance Maximum Speed, KSA-8-1558_Maximum Speed Limit, KSA-8-1559_Auhtority to Secretary of State, KSA-8-1560_Authority to Local Jurisdiction, Sec._35_281.___Authority_to_change_from_statutory_speed_limits

10.01.033 Maximum Speed Limits.

(a) Except as provided in subsection (b), or when a special condition or hazard exists that requires a lower speed for compliance with O.M.C. [10.01.032](#), the limits specified in this section or established as authorized by law shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

- (1) In any business district, all vehicles twenty (20) miles per hour, unless posted otherwise.
- (2) In any residence district, all vehicles twenty-five (25) miles per hour, unless posted otherwise.
- (3) In any posted school zone on any day school is in session during those time periods set forth on erected signs or during those times a flashing yellow beacon is in operation with an erected sign, all vehicles twenty-five (25) miles per hour, unless posted otherwise; except for between the hours of 7:00 A.M. and 9:30 P.M. seven days a week for the Kansas School for the Deaf.
- (4) On any separated multilane highway as designated and posted by the Secretary of Transportation, all vehicles seventy-five (75) miles per hour.
- (5) On any county or township highway, all vehicles 55 miles per hour.
- (6) On all other highways unless posted otherwise, all vehicles 65 miles per hour.
- (7) In any park under the jurisdiction of this City, all vehicles 20 miles per hour.

(b) No person shall drive a school bus to or from school, or interschool or intraschool functions or activities, at a speed in excess of the maximum speed limits provided in subsection (a), except that the board of education of any school district may establish by board policy lower maximum speed limits for the operation of such district's school buses. The provisions of this subsection shall also apply to buses used for the transportation of students enrolled in community colleges or area vocational schools when such buses are transporting students to or from school functions or activities.

(c) The maximum speed limits established by or pursuant to this section may be altered as authorized in K.S.A. [8-1559](#), [8-1560](#), and [8-2002](#), and amendments thereto.

(d) Whenever the City Traffic Engineer shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist upon any part of a street, the said City Traffic Engineer shall determine and declare a reasonable and safe speed limit thereon which shall be effective at all times during the daytime or nighttime when appropriate signs giving notice thereof are erected on such streets, pursuant to K.S.A. [8-1560](#) and [8-2002](#). As used in this section, daytime means from a half hour before sunrise to a half hour after sunset; nighttime means any other hour.

(e) The maximum speed to be posted within each school zone shall be determined by the City Traffic Engineer provided the speed limit shall not be less than 20 miles per hour. The City Traffic Engineer shall determine the

school zone times within the City. (Ord. 16-48 § 1, 2016; Ord. 14-57 § 11, 2014; Ord. 08-51 § 1, 2008; Ord. 07-136 § 5, 2007; Ord. 01-89 § 2, 2001.)

The Olathe Municipal Code is current through Ordinance 18-45, passed September 4, 2018.

Disclaimer: The City Clerk's Office has the official version of the Olathe Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.olatheks.org](http://www.olatheks.org)

[Code Publishing Company](#)

TITLE 12 - TRAFFIC

12.04 OVERLAND PARK TRAFFIC ORDINANCE

Article VII. Speed Regulations

12.04.033 Speed Limitations; Restrictions.

- a. No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual hazards then existing.
- b. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.
- c. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, fixed object, vehicle, or other conveyance lawfully on or entering the highway or lawfully on private or public property.
- d. Except when a special hazard exists that requires lower speed for compliance with paragraph (a) of this Section, the limits specified in this Section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall operate a vehicle at a speed in excess of such maximum limits:
 1. All vehicles 20 miles per hour in any business district.
 2. All vehicles 25 miles per hour in any residence district except where posted otherwise.
 3. All vehicles 20 miles per hour in any park under the jurisdiction of this City.
 4. Unless posted otherwise, all vehicles 30 miles per hour on streets or highways on which an engineering and traffic investigation has been conducted in an urban district.
 5. Unless posted otherwise, all vehicles 55 miles per hour on arterial streets on which an engineering and traffic investigation has been conducted.
 6. All vehicles on any separated multilane highway, as designated and posted by the Secretary of Transportation, 75 miles per hour.
 7. All vehicles 65 miles per hour in all other locations unless posted otherwise.

- e. The maximum speed limit upon streets or portions of streets abutting school property or adjacent to school crosswalks in those areas designated as school zones shall be the speed limit posted on appropriately erected signs giving notice of the speed limit in said school zones. The maximum speed to be posted within each school zone shall be determined by the City Traffic Engineer provided the speed limit shall not be less than 20 miles per hour. Maximum speed limits within school zones shall be effective and subject to enforcement by law enforcement officers during those time periods set forth on appropriately erected signs giving notice of the effective hours of enforcement or during those times a flashing yellow beacon is in operation with appropriately erected signs indicating the school zone speed limits are enforced during the times the flashing yellow beacon is in operation. The City Traffic Engineer shall determine the times of enforcement for school zones within the City, provided such speed limits shall apply only during the hours in which students are normally en route to or from school.
- f. Whenever the City Traffic Engineer shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist upon any part of a street which said City Traffic Engineer shall determine and declare a reasonable and safe speed limit thereon which shall be effective at all times or during the daytime or nighttime or at such other times as may be determined when appropriate signs giving notice thereof are erected on such street, pursuant to K.S.A. 8-1560 and K.S.A. 8-2002.
- g. As used in subsection f. "daytime" means from 30 minutes before sunrise to 30 minutes after sunset and "nighttime" means any other hour.

(History: Ord. TC-1260,XXX §2, 2016; TC-1260,RRR §9, 2011; TC-1260,ZZ §1, 2003; TC-1260,MM §6, 96; TC-1260,R §1, 89; TC-1260 §32, 84)

See: [12.04.002](#)

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Statute Number: 8-1558
Chapter Title: AUTOMOBILES AND OTHER VEHICLES
Article Title: UNIFORM ACT REGULATING TRAFFIC; RULES OF THE ROAD
Tax Type: Vehicles
Brief Description: Maximum speed limits.
Keywords:

Body:

8-1558. Maximum speed limits. (a) Except as provided in subsection (b) and except when a special hazard exists that requires lower speed for compliance with K.S.A. 8-1557, and amendments thereto, the limits specified in this subsection or established as authorized by law shall be maximum lawful speeds, and no person shall operate a vehicle at a speed in excess of such maximum limits:

- (1) In any urban district, 30 miles per hour;
- (2) on any separated multilane highway, as designated and posted by the secretary of transportation, 75 miles per hour;
- (3) on any county or township highway, 55 miles per hour; and
- (4) on all other highways, 65 miles per hour.

(b) No person shall drive a school bus to or from school, or interschool or intraschool functions or activities, at a speed in excess of the maximum speed limits provided in subsection (a), except that the board of education of any school district may establish by board policy lower maximum speed limits for the operation of such district's school buses. The provisions of this subsection relating to school buses shall apply to buses used for the transportation of students enrolled in community colleges or area vocational schools, when such buses are transporting students to or from school, or functions or activities.

(c) The maximum speed limits in this section may be altered as authorized in K.S.A. 8-1559 and 8-1560, and amendments thereto.

History: L. 1974, ch. 33, § 8-1558; L. 1976, ch. 40, § 7; L. 1984, ch. 39, § 6; L. 1996, ch. 15, § 5; L. 2003, ch. 100, § 4; L. 2011, ch. 45, § 5; July 1.

Date Composed: 01/19/2012 Date Modified: 01/19/2012

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Statute Number: 8-1560
Chapter Title: AUTOMOBILES AND OTHER VEHICLES
Article Title: UNIFORM ACT REGULATING TRAFFIC; RULES OF THE ROAD
Tax Type: Vehicles
Brief Description: Alteration of maximum speed limits; powers of local authorities, limitations and restrictions; establishing speed limits in road construction zones.

Keywords:

Body:

8-1560. Alteration of maximum speed limits; powers of local authorities, limitations and restrictions; establishing speed limits in road construction zones. (a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

- (1) Decreases the limit at intersections;
 - (2) increases the limit within an urban district but not to exceed the maximum speed of 65 miles per hour;
 - (3) decreases the limit outside an urban district, but not to less than 20 miles per hour, except as authorized by K.S.A. 8-1560a, and amendments thereto;
 - (4) decreases the limit within an urban district in a school zone to not less than 20 miles per hour, except that any such decreased limit shall apply only during the hours in which students are normally en route to or from school, such zones and hours to be determined by ordinance or resolution of such local authority; or
 - (5) decreases the limit within any residence district, but not to less than 20 miles per hour.
- (b) Except as provided in subsection (h), local authorities in their respective jurisdictions may determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this act for an urban district or other location in which the arterial street is situated, except that in no event shall any local authority establish any such maximum limit in excess of 65 miles per hour.
- (c) Except as otherwise provided in paragraph (4) of subsection (a), any altered limit established as authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.
- (d) Any alteration of maximum limits on city connecting links shall not be effective until such alteration has been approved by the secretary of transportation.
- (e) If local authorities in their respective jurisdictions have established a speed limit within any residence district which is less than 30 miles per hour, prior to the effective date of this act, such speed limit shall be deemed valid and shall not require an engineering and traffic investigation.
- (f) Local authorities in their respective jurisdictions may establish the speed limit within a road

construction zone, as defined in K.S.A. 8-1458a, and amendments thereto, upon any highway under the jurisdiction of such local authorities.

(g) The provisions of K.S.A. 8-1560b, and amendments thereto, shall apply to the limitations on speed limits provided by subsection (a) of this section.

(h) Local authorities who have jurisdiction over county or township highways may determine based on an engineering and traffic investigation or without an engineering and traffic investigation the proper maximum speed for such county or township highways and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this act, except that in no event shall any local authority establish any such maximum limit in excess of 65 miles per hour.

History: L. 1974, ch. 33, § 8-1560; L. 1975, ch. 39, § 11; L.1975, ch. 427, § 25; L. 1978, ch. 271, § 2;L. 1994, ch. 220, § 8;L. 1996, ch. 15, § 7;L. 1997, ch. 80, § 3; July 1.

Date Composed: 04/04/2011 Date Modified: 04/04/2011

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Statute Number: 8-1560
Chapter Title: AUTOMOBILES AND OTHER VEHICLES
Article Title: UNIFORM ACT REGULATING TRAFFIC; RULES OF THE ROAD
Tax Type: Vehicles
Brief Description: Alteration of maximum speed limits; powers of local authorities, limitations and restrictions; establishing speed limits in road construction zones.

Keywords:

Body:

8-1560. Alteration of maximum speed limits; powers of local authorities, limitations and restrictions; establishing speed limits in road construction zones. (a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

(1) Decreases the limit at intersections;

(2) increases the limit within an urban district but not to exceed the maximum speed of 65 miles per hour;

(3) decreases the limit outside an urban district, but not to less than 20 miles per hour, except as authorized by K.S.A. 8-1560a, and amendments thereto;

(4) decreases the limit within an urban district in a school zone to not less than 20 miles per hour, except that any such decreased limit shall apply only during the hours in which students are normally en route to or from school, such zones and hours to be determined by ordinance or resolution of such local authority; or

(5) decreases the limit within any residence district, but not to less than 20 miles per hour.

(b) Except as provided in subsection (h), local authorities in their respective jurisdictions may determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this act for an urban district or other location in which the arterial street is situated, except that in no event shall any local authority establish any such maximum limit in excess of 65 miles per hour.

(c) Except as otherwise provided in paragraph (4) of subsection (a), any altered limit established as authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Any alteration of maximum limits on city connecting links shall not be effective until such alteration has been approved by the secretary of transportation.

(e) If local authorities in their respective jurisdictions have established a speed limit within any residence district which is less than 30 miles per hour, prior to the effective date of this act, such speed limit shall be deemed valid and shall not require an engineering and traffic investigation.

(f) Local authorities in their respective jurisdictions may establish the speed limit within a road

construction zone, as defined in K.S.A. 8-1458a, and amendments thereto, upon any highway under the jurisdiction of such local authorities.

(g) The provisions of K.S.A. 8-1560b, and amendments thereto, shall apply to the limitations on speed limits provided by subsection (a) of this section.

(h) Local authorities who have jurisdiction over county or township highways may determine based on an engineering and traffic investigation or without an engineering and traffic investigation the proper maximum speed for such county or township highways and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this act, except that in no event shall any local authority establish any such maximum limit in excess of 65 miles per hour.

History: L. 1974, ch. 33, § 8-1560; L. 1975, ch. 39, § 11; L.1975, ch. 427, § 25; L. 1978, ch. 271, § 2;L. 1994, ch. 220, § 8;L. 1996, ch. 15, § 7;L. 1997, ch. 80, § 3; July 1.

Date Composed: 04/04/2011 Date Modified: 04/04/2011

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Sec. 35-281. - Maximum speed limits.

- (a) Except as provided in subsection (c) of this section, and except when a special hazard exists that requires lower speed for compliance with section 35-280 of this article, the limits specified in this section or established as authorized by law shall be maximum lawful speeds and no person shall operate a vehicle at a speed in excess of such maximum limits:

(1) In any residence district, 25 miles per hour, unless posted otherwise. (ADD)

(12) —In any urban district, 30 miles per hour; unless posted otherwise. (MODIFIED)

(23) On any separated multilane highway, as designated and posted by the secretary, 75 miles per hour;

(34) Fifty-five miles per hour on any county or township highway; and

(45) Sixty-five miles per hour on all other highways.

(6z) In any park under the jurisdiction of the City, 20 miles per hour, unless posted otherwise. (ADD)

- (b) The maximum speed limits established by or pursuant to this section may be altered as authorized in section 35-286 of this article.

- (c) No person shall drive a school bus to or from school or interschool or intraschool functions or activities at a speed greater than the maximum speed limits provided in subsection (a) of this section. The provisions of this subsection shall apply to buses used for the transportation of students enrolled in community colleges or area vocational schools when such buses are transporting students to or from school or functions or activities.

(Code 1964, § 36-67; Code 1988, § 35-262; Ord. No. 53410, § 1, 1-7-1975; Ord. No. 55191, § 3, 8-3-1976; Ord. No. 65347, § 1, 9-1-1988; Ord. No. 66164, § 19, 10-17-1996; Ord. No. O-2-05, § 12, 1-6-2005; Ord. No. O-51-12, § 9, 9-6-2012)

State Law reference— Similar provisions, K.S.A. 8-1558.

Sec. 35-282. - Minimum speed regulation.

- (a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
- (b) Whenever the traffic engineer determines, on the basis of an engineering and traffic investigation, that slow speeds on any highway or part of a highway consistently impede the normal and reasonable movement of traffic, the traffic engineer may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs.

(Code 1964, § 36-68; Code 1988, § 35-263; Ord. No. 53410, § 1, 1-7-1975)

State Law reference— Similar provisions, K.S.A. 8-1561.

Sec. 35-286. - Authority to change from statutory speed limits.

- (a) The traffic engineer may determine on the basis of an engineering and traffic investigation that any maximum speed permitted by ordinance or statute is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway. The traffic engineer may then determine and declare by regulation a reasonable and safe maximum limit on such highway which:
- (1) Decreases the limit at intersections;
 - (2) Increases the limit within an urban district but not to exceed the maximum speed of 65 miles per hour;
 - (3) Decreases the limit outside an urban district, but not to less than 20 miles per hour, except as authorized by K.S.A. 8-1560a;
 - (4) Decreases the limit within an urban district in a school zone to not less than 20 miles per hour, except that any such decreased limit shall apply only during the hours in which students are normally en route to or from school, such zones and hours to be established by regulation adopted and published by the traffic engineer; or
 - (5) Decreases the limit within any residence district, but not to less than 20 miles per hour.
- (b) The traffic engineer shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit which may be greater or less than the maximum speed permitted under state law for an urban district or other location in which the arterial street is situated, except that in no event shall the traffic engineer establish any such maximum limit in excess of 65 miles per hour.
- (c) Except as otherwise provided in subsection (a)(4) of this section, any altered limit established pursuant to this section shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice are erected upon such street or highway.
- (d) Any alteration of maximum limits on city connecting links by the traffic engineer shall not be effective until such alteration has been approved by the secretary of transportation.

(Code 1964, § 36-74; Code 1988, § 35-267; Ord. No. 53410, § 1, 1-7-1975; Ord. No. 55191, § 4, 8-3-1976; Ord. No. 58345, § 4, 7-27-1978; Ord. No. O-2-05, § 13, 1-6-2005)

State Law reference— Similar provisions, K.S.A. 8-1560.



Staff Request for Commission Action

Tracking No. 18451

Full Commission Meeting Date: 11/8/18

Committee: Public Works & Safety

Date of Standing Committee Action: 10/22/18

(If none, please explain):

Publication Required: No

<u>Date:</u> 10/08/2018	<u>Contact Name:</u> Patrick Waters	<u>Contact Phone:</u> x5079	<u>Contact Email:</u> Patrick	<u>Department/Division:</u> Legal
<u>Item Description:</u> Ordinance amendments authorizing the use of motorized stand-up scooters and shared small vehicles programs within KCK.				
<u>Action Requested:</u> Approve.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Ordinance adding definitions to Sec. 35_1. Definitions - , Ordinance amending traffic-control signal legend , Ordinance authorizing motorized stand up scooters and shared vehicle programs				

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE adding definitions of “motorized stand-up scooters”, “shared electric-assisted bicycles”, “shared stand-up motorized scooters” and “shared small vehicle program”; amending Section 35-1 to Chapter 35, Article XIV, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. That Section 35-1 to Chapter 35, Article XIV, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby amended to read as follows:

Sec. 35-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol means any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol, and isopropanol.

State Law reference— Similar provisions, K.S.A. 8-2,128.

Alcohol concentration means the number of grams of alcohol per 100 milliliters of blood or the number of grams of alcohol per 210 liters of breath.

State Law reference— Similar provisions, K.S.A. 8-2,128.

Alcohol or drug-related conviction means any of the following:

- (1) Conviction of vehicular battery or aggravated vehicular homicide, if the crime is committed while committing a violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by that statute, or conviction of a violation of K.S.A. 8-2,144 or K.S.A. 8-1567; or K.S.A. 8-1025, and amendments thereto, or conviction of a violation of aggravated battery as described in K.S.A. 21-5413(b)(3), and amendments thereto.
- (2) Conviction of a violation of a law of another state that would constitute a crime described in subsection (1) of this definition if committed in this state;

- (3) Conviction of a violation of an ordinance of a city in this state or a resolution of a county in this state which would constitute a crime described in subsection (1) of this definition, whether or not such conviction is in a court of record; or
- (4) Conviction of an act which was committed on a military reservation and which would constitute a violation of K.S.A. 8-2,144, K.S.A. 8-1567, or K.S.A. 8-1025 and amendments thereto, or would constitute a crime described in subsection (1) of this definition if committed off a military reservation in this state.

State Law reference— Similar provisions, K.S.A. 8-1013.

Alcoholic beverage means any alcoholic liquor, as defined by K.S.A. 41-10 or any cereal malt beverage, as defined by K.S.A. 41-2701.

Alcoholic liquor means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being, but shall not include any beer or cereal malt beverage containing not more than 3.2 percent alcohol by weight.

Alcohol-related offense means a violation of any law or ordinance specified in the definition of "alcohol or drug related conviction" in this section.

Alley or *alleyway* means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

State Law reference— Similar provisions, K.S.A. 8-1402.

Arterial street means any U.S. or state numbered route, controlled-access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

State Law reference— Similar provisions, K.S.A. 8-1403.

Authorized emergency vehicle means such fire department vehicles, police bicycles, or police vehicles which are publicly owned, motor vehicles operated by ambulance services permitted by the emergency medical services board under the provisions of K.S.A. 65-6101 et seq., wreckers, tow trucks or car carriers, as defined by K.S.A. 66-1329 and having a certificate of public service from the state corporation commission, and such other publicly or privately owned vehicles which are designated as emergency vehicles pursuant to K.S.A. 8-2010.

State Law reference— Similar provisions, K.S.A. 8-1404.

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so used is designated dB(A) or dBA.

Bicycle means every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is more than 14 inches in diameter.

State Law reference— Similar provisions, K.S.A. 8-1405.

Bus means:

- (1) Every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons.

- (2) Every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

State Law reference— Similar provisions, K.S.A. 8-1406.

Bus stop or zone means a portion of a roadway adjacent to the curb which has been marked by appropriate signs or painted markings and which is primarily reserved for the use of buses while loading and unloading passengers.

Business district means the territory contiguous to and including a highway when, within any 600 feet along such highway, there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

State Law reference— Similar provisions, K.S.A. 8-1407.

Cereal malt beverage means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt and/or malt substitute, but shall not include any such liquor that is more than 3.2 percent alcohol by weight.

Chief of police means the chief of police or any member of the police department of the unified government designated by the chief of police to act in the chief's place.

Church bus means every motor vehicle owned by a religious organization, and operated for the transportation of persons to or from services or activities of such religious organization. As used in this section, "religious organization" means any organization, church, body of communicants or group, gathered in common membership for mutual edification in piety, worship and religious observances, or a society of individuals united for religious purposes at a definite place.

State Law reference— Similar provisions, K.S.A. 8-1730a.

Commercial driver's license means a license issued pursuant to K.S.A. 8-234b that authorizes the operation of a commercial class vehicle.

Commercial motor vehicle means any of the following motor vehicles or combinations, if propelled by motor fuel and used, designed or maintained for the transportation of persons or property, and:

- (1) Has two axles and a gross vehicle weight or registered gross weight exceeding 26,000 pounds or 12,000 kilograms;
- (2) Has three or more axles, regardless of weight; or
- (3) Is used in combination when the weight of such combination exceeds 26,000 pounds or 12,000 kilograms gross vehicle weight or registered gross weight.

State Law reference— Similar provisions, K.S.A. 79-34,108.

Compression release engine braking system means a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism.

State Law reference— Similar provisions, K.S.A. 8-1761(b).

Controlled-access highway means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

State Law reference— Similar provisions, K.S.A. 8-1410.

Controlled substance means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113 and amendments thereto.

Conviction means an unvacated, adjudication of guilt, or a determination that a person has violated or failed to comply with the law and, in a court of original jurisdiction or an administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

State Law reference— Similar provisions, K.S.A. 8-2,128.

Crosswalk means:

- (1) That part of a roadway at an intersection included within the connections of the lateral lines of sidewalks on opposite sides of the highway measured from curbs or, in the absence of curbs, from the edges of the traversable roadway.
- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

State Law reference— Similar provisions, K.S.A. 8-1411.

Day care program has the meaning assigned to it in K.S.A. 39-1006.

State Law reference— Similar provisions, K.S.A. 8-1730a.

Day care program bus means every motor vehicle used primarily to carry out functions of a day care program.

Decibel means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals or 20 micronewtons per square meter (20×10^{-6} Newtons/meter²).

Department means the state department of transportation.

State Law reference— Similar provisions, K.S.A. 8-1409.

Director means the director of vehicles for the state.

State Law reference— Similar provisions, K.S.A. 8-1412.

Divided highway means a highway divided into two or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic.

State Law reference— Similar provisions, K.S.A. 8-1414.

Division means the division of vehicles of the state department of revenue.

State Law reference— Similar provisions, K.S.A. 8-1413.

Double parking means the standing or stopping of a vehicle in the line of traffic and:

- (1) To the rear of a vehicle angle parked or to the rear of a space where a vehicle may be parked at any angle to the curb or edge of the roadway; or
- (2) To the roadway side of a vehicle parked parallel with the curb or edge of the roadway or the roadway side of the space in which a vehicle may be parked parallel to the curb or edge of the roadway.

Drawbar means a bar across the rear of a motor vehicle or a device securely attached to the motor vehicle which maintains a fixed position and to which a towbar may be coupled.

State Law reference— Similar provisions, K.S.A. 8-1414a.

Drive means to drive, operate or be in physical control of a motor vehicle.

Driver means every person who drives or is in actual physical control of a vehicle.

State Law reference— Similar provisions, K.S.A. 8-1416.

Driver's license means any license to operate a motor vehicle issued under the laws of the state.

State Law reference— Similar provisions, K.S.A. 8-1417.

Driveway-towaway operations means any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power.

State Law reference— Similar provisions, K.S.A. 8-1415.

Electric-assisted bicycle means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than 1,000 watts, be incapable of propelling the device at a speed of more than 20 miles per hour on level ground, and be incapable of further increasing the speed of the device when human power alone is used to propel the device beyond 20 miles per hour.

State Law reference— Similar provisions, K.S.A. 8-1489.

Electric personal assistive mobility device means a self-balancing two nontandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

State Law reference— Similar provisions, K.S.A. 8-1491.

Essential parts means all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

State Law reference— Similar provisions, K.S.A. 8-1418.

Explosives means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible

units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

State Law reference— Similar provisions, K.S.A. 8-1419.

Farm tractor means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry. Such term shall include every self-propelled implement of husbandry.

State Law reference— Similar provisions, K.S.A. 8-1420.

Flammable liquid means any liquid which has a flashpoint of 70 degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup test device.

State Law reference— Similar provisions, K.S.A. 8-1421.

Gross vehicle weight rating means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle, or registered gross weight, whichever is greater. The gross vehicle weight rating of a combination (articulated) vehicle (commonly referred to as the "gross combination weight rating,") is the gross vehicle weight rating of the towed unit or units.

State Law reference— Similar provisions, K.S.A. 8-1489.

Gross weight means the weight of a vehicle without load plus the weight of any load thereon.

State Law reference— Similar provisions, K.S.A. 8-2,128.

Hazardous materials has the same meaning as that found in section 103 of the Hazardous Materials Transportation Act, 49 USC 1801 et seq.

House trailer means:

- (1) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or
- (2) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer as defined in subsection (1) of this definition, but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

The term "house trailer" does not include a manufactured home or a mobile home as defined in K.S.A. 58-4202.

State Law reference— Similar provisions, K.S.A. 8-1425.

Identifying numbers means the numbers and letters, if any, on a vehicle designated by the division for the purpose of identifying the vehicle.

State Law reference— Similar provisions, K.S.A. 8-1426.

Ignition interlock device means a device that uses a breath analysis mechanism to prevent a person from operating a motor vehicle if such person has consumed an alcoholic beverage.

State Law reference— Similar provisions, K.S.A. 8-1013.

Implement of husbandry means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated on the highways. Such term shall include, but not be limited to a fertilizer spreader, nurse tank, or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust, or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202 and amendments thereto, regardless of ownership. The term "implement of husbandry" shall not include:

- (1) A truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;
- (2) A mixer-feed truck owned and used by a feedlot, as defined by K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing feed to livestock in such feedlot; or
- (3) A truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals thereto, regardless of ownership.

State Law reference— Similar provisions, K.S.A. 8-1427.

Intersection means:

- (1) The area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or
- (2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

The junction of an alley with a street or highway shall not constitute an intersection.

State Law reference— Similar provisions, K.S.A. 8-1428.

Laned roadway means a roadway that is divided into two or more clearly marked lanes for vehicular traffic.

State Law reference— Similar provisions, K.S.A. 8-1429.

Law enforcement officer has the meaning provided by K.S.A. 21-3110 and includes any person authorized by law to make an arrest on a military reservation and the license administrator for purposes of enforcement of this chapter's provisions on vehicle size, weight and load.

License or license to operate a motor vehicle means any driver's license or any other license or permit to operate a motor vehicle issued under or granted by the laws of this state, including:

- (1) Any temporary license or instruction permit.
- (2) The privilege of any person to drive a motor vehicle, whether or not such person holds a valid license.

(3) Any nonresident's operating privilege.

State Law reference— Similar provisions, K.S.A. 8-1430.

Light transmission means the ratio of the amount of total light to pass through a product or material, including any safety glazing material to the amount of the total light falling on the product or material and the glazing.

State Law reference— Similar provisions, K.S.A. 8-1749b.

Lightweight roadable vehicle means a multipurpose motor vehicle that is allowed to be driven on public roadways and is required to be registered with, and flown under the direction or, the federal aviation administration.

Line, center, means a continuous or broken line marked upon the surface of a roadway by paint or otherwise to indicate each portion of the roadway allocated to traffic proceeding in opposite directions and, if the line is not so painted or otherwise marked, it is an imaginary line in the roadway equally distant from the edges or curbs of the roadway.

Line, lane, means a continuous or broken longitudinal line marked on the surface of a roadway separating two traffic lanes controlling vehicles moving in the same direction.

Litter means garbage, refuse, rubbish and all other waste material or any combination thereof.

Loading zone means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Low speed vehicle means any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 CFR. 571.500.

State Law reference— Similar provisions, K.S.A. 8-1488.

Luminous reflectants means the ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or material.

State Law reference— Similar provisions, K.S.A. 8-1749b.

Mail means to deposit in the United States mail properly addressed and with postage prepaid.

State Law reference— Similar provisions, K.S.A. 8-1433.

Metal tire means every tire the surface of which, in contact with the highway, is wholly or partly of metal or other hard nonresilient material.

State Law reference— Similar provisions, K.S.A. 8-1435.

Micro utility truck means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 144 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. The term "micro utility truck" does not include a work-site utility vehicle.

Motor-driven cycle means every motorcycle, including every motor scooter, with a motor that produces not to exceed five brake horsepower and every bicycle with a motor attached, except a motorized bicycle or an electric-assisted bicycle.

State Law reference— Similar provisions, K.S.A. 8-1439.

Motor vehicle means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

State Law reference— Similar provisions, K.S.A. 8-1437.

Motorcycle means every vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

State Law reference— Similar provisions, K.S.A. 8-1438.

Motorized bicycle means every device having two tandem wheels or three wheels which may be propelled by either human power or helper motor or by both and which has:

- (1) A motor that produces not more than 3½ brake horsepower;
- (2) A cylinder capacity of not more than 130 cubic centimeters;
- (3) An automatic transmission; and
- (4) The capability of a maximum design speed of no more than 30 miles per hour.

State Law reference— Similar provisions, K.S.A. 8-1439a.

Motorized skateboard means every self-propelled device which has a motor or engine, a deck on which a person may ride and at least two wheels in contact with the ground.

Motorized Stand-Up Scooter means every self-propelled device which has a motor or engine, a deck on which a person may ride, handlebars, a brake and at least two wheels in contact with the ground.

Motorized wheelchair means any self-propelled vehicle designed specifically for use by a physically disabled person that is incapable of a speed in excess of 15 miles per hour.

State Law reference— Similar provisions, K.S.A. 8-1439c.

Muffler means a sound dissipative device for abating the sound of escaping gases of an internal combustion engine.

Nonreflective means a product or material designed to absorb light rather than to reflect it.

State Law reference— Similar provisions, K.S.A. 8-1749b.

Nonresident means every person who is not a resident of this state.

State Law reference— Similar provisions, K.S.A. 8-1440.

Nonresident's operating privilege means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle or the use of a vehicle owned by such person in this state.

State Law reference— Similar provisions, K.S.A. 8-1441.

Occurrence means a test refusal, test failure or alcohol or drug-related conviction, or any combination thereof arising from one arrest, including an arrest which occurred prior to the effective date of the ordinance from which this section is derived.

Official traffic-control devices means all signs, signals, markings, and devices, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purposes of regulating, warning or guiding traffic.

State Law reference— Similar provisions, K.S.A. 8-1442.

Official traffic-control signal means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

One-way street means any street upon which all vehicular and bicycle traffic is restricted to movement in one direction only.

Other competent evidence includes:

- (1) Alcohol concentration tests obtained from samples taken three hours or more after the operation or attempted operation of a vehicle; and
- (2) Readings obtained from a partial alcohol concentration test on a breath testing machine.

State Law reference— Similar provisions, K.S.A. 8-1013.

Owner means a person, other than a lienholder, having the property in or title to a vehicle. Such term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

State Law reference— Similar provisions, K.S.A. 8-1443.

Park or parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

State Law reference— Similar provisions, K.S.A. 8-1444.

Parking meter means a device for the purpose of measuring the time lapsed since the deposit of a coin in the slot provided and equipped with a mechanism to indicate the legal time a vehicle may remain in the designated place.

Passenger car means every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten passengers or fewer.

State Law reference— "Passenger car" defined, K.S.A. 8-1445.

Passenger zone means an area adjacent to a curb reserved for the exclusive use of vehicles during the actual loading or unloading of passengers.

Pedestrian means:

- (1) Any person afoot;
- (2) Any person in a wheelchair, either manually or mechanically propelled, or other low powered, mechanically propelled vehicle designed specifically for use by a physically disabled person; or
- (3) Any person using an electric personal assistive mobility device.

State Law reference— Similar provisions, K.S.A. 8-1446.

Person with a disability means any individual who:

- (1) Has a severe visual impairment;
- (2) Cannot walk 100 feet without stopping to rest;
- (3) Cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- (4) Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;
- (5) Uses portable oxygen;
- (6) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or
- (7) Is severely limited in such person's ability to walk due to an arthritic, neurological or orthopedic condition.

State Law reference— Similar provisions, K.S.A. 8-1,124.

Pneumatic tire means every tire in which compressed air is designed to support the load.

State Law reference— Similar provisions, K.S.A. 8-1448.

Pole trailer means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregular-shaped loads such as poles, pipes or structural members capable generally of sustaining themselves as beams between the supporting connections.

State Law reference— Similar provisions, K.S.A. 8-1449.

Police officer means every law enforcement officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

State Law reference— Similar provisions, K.S.A. 8-1450.

Private road or driveway means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

State Law reference— Similar provisions, K.S.A. 8-1451.

Railroad means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

State Law reference— Similar provisions, K.S.A. 8-1452.

Railroad sign or signal means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

State Law reference— Similar provisions, K.S.A. 8-1453.

Railroad train means a steam engine, electric engine, or other motor, with or without cars coupled thereto, operated upon rails.

State Law reference— Similar provisions, K.S.A. 8-1454.

Recreational vehicle means a vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation, or travel use and which has its own motive power or is mounted on or drawn by another vehicle and which has a body width not exceeding 102 inches and a body length not exceeding 45 feet; such term shall not include a unit which has no electrical system which operates above 12 volts and has no provisions for plumbing, heating and any other component or feature for which a standard is adopted by the Uniform Standards Code for Mobile Homes and Recreational Vehicles, K.S.A. 75-1211—75-1225.

State Law reference— Similar provisions, K.S.A. 79-5118.

Registered gross weight means that weight for which a vehicle should be registered in the jurisdiction in which it is registered.

Registration means the registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

State Law reference— Similar provisions, K.S.A. 8-1455.

Residential district means any area where the property is zoned for residential occupancy, including single-family, two-family, multifamily dwellings and territory contiguous thereto for 300 feet in any direction.

State Law reference— "Residence district" defined, K.S.A. 8-1456.

Revocation of driver's license means the termination by formal action of the division of a person's license or privilege to operate a motor vehicle on the public highways; such termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the division after the expiration of the applicable period of time prescribed by state law.

State Law reference— Similar provisions, K.S.A. 8-1457.

Right-of-way means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

State Law reference— Similar provisions, K.S.A. 8-1458.

Road construction zone means the portions of a highway that are identified by posted or moving signs as being a construction or maintenance work area. The zone starts at the first sign identifying the zone and continues until a posted or moving sign indicates that the road construction zone has ended.

State Law reference— Similar provisions, K.S.A. 8-1458a.

Roadway means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein, shall refer to any such roadway separately but not to all such roadways collectively.

State Law reference— Similar provisions, K.S.A. 8-1459.

Safety hitch means a chain, cable, or other material of sufficient weight which will prevent the towed vehicle from breaking loose in the event the towbar fails or becomes disconnected.

State Law reference— Similar provisions, K.S.A. 8-1459a.

Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

State Law reference— Similar provisions, K.S.A. 8-1460.

Samples includes breath supplied directly for testing which is not preserved.

State Law reference— Similar provisions, K.S.A. 8-1013.

School bus means every motor vehicle defined and designated as a school bus in K.S.A. 72-8301.

State Law reference— Similar provisions, K.S.A. 8-1461.

School crossing guard means any person 18 years of age and older or any person under 18 years of age who is being directly supervised by a person at least 18 years of age, acting with or without compensation and who is authorized by a school district or by the unified government to supervise, direct, monitor, or otherwise assist school children at a street or intersection in the vicinity of a school crosswalk or bus stop.

Secretary means the secretary of transportation for the state.

UG Code of Ordinances reference – Similar provisions, Sec. 35-697

Shared Electric-assisted Bicycles shall mean a dockless network of electric-assisted bicycles, as defined in this Section, placed in public right-of-way and for rent in short term increments, that provides increased mobility options over short distances, and located within the corporate limits of Kansas City, Kansas.

Shared Stand-up Motorized Scooters shall mean a dockless network or system of motorized stand-up scooters, as defined in this Section, placed in public right-of-way and for rent in short term increments, that provides increased mobility options over short distances, and located within the corporate limits of Kansas City, Kansas.

Shared Small Vehicle Program shall mean a dockless network of Shared Stand-up Motorized

Scooters and/or Shared Electric Assisted Bicycles, placed in the public right-of-way and available for rent in short term increments, that provides increased mobility options over short distances, and located within the corporate limits of Kansas City, Kansas.

State Law reference— Similar provisions, K.S.A. 8-1409.

Semitrailer means every vehicle, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

State Law reference— Similar provisions, K.S.A. 8-1464.

Sidewalk means that portion of a street between the curblines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

State Law reference— Similar provisions, K.S.A. 8-1465.

Solid rubber tire means every tire of rubber or other resilient material that does not depend upon compressed air for the support of the load.

State Law reference— Similar provisions, K.S.A. 8-1466.

Special mobile equipment means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earthmoving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

State Law reference— Similar provisions, K.S.A. 8-1467.

Special vehicle combination means a truck-tractor, semitrailer-trailer and trailer combination of vehicles. A trailer may consist of a converter dolly and a semitrailer. It may also be referred to as an "SVC."

Specially constructed vehicle means every vehicle of a type required to be registered in this state not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

State Law reference— Similar provisions, K.S.A. 8-1468.

Stand or *standing* means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

State Law reference— Similar provisions, K.S.A. 8-1469.

Stop, when required, means complete cessation of movement.

State Law reference— Similar provisions, K.S.A. 8-1471.

Stop or *stopping*, when prohibited, means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

State Law reference— Similar provisions, K.S.A. 8-1472.

Street or *highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Where the word "highway" or the word "street" are used in this chapter, they shall mean street, avenue, boulevard, thoroughfare, trafficway, alley and other public ways for vehicular travel by whatever name, unless the context clearly indicates otherwise.

State Law reference— Similar provisions, K.S.A. 8-1473.

Sun screening device means a film material or device that is designed to be used in conjunction with motor vehicle safety glazing material for reducing the effects of the sun.

State Law reference— Similar provisions, K.S.A. 8-1749b.

Suspension of a driver's license means the temporary withdrawal by formal action of the division of a person's license or privilege to operate a motor vehicle on the highways, such temporary withdrawal being for a period specifically designated by the division.

State Law reference— Similar provisions, K.S.A. 8-1474.

Taxicab stand means that portion of a public street approved for the standing of taxicabs, and so marked.

Test failure or *fails a test* refers to a person having results of a test administered pursuant to this chapter, other than a preliminary screening test, which show an alcohol concentration of 0.08 or greater in the person's blood or breath.

State Law reference— Similar provisions, K.S.A. 8-1013.

Test refusal or *refuses a test* refers to a person's failure to submit to or complete any test, other than a preliminary screening test, in accordance with this chapter.

State Law reference— Similar provisions, K.S.A. 8-1013.

Through highway means every highway or portion thereof on which traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such highway in obedience to either a stop sign, yield sign or other traffic-control device, when such signs or devices are erected as provided in this chapter.

State Law reference— Similar provisions, K.S.A. 8-1475.

Towbar means a rigid piece of material which is structurally adequate to hold any weight vehicle towed and which is properly and securely mounted to the towed vehicle without excessive slack but with

sufficient play to allow for universal action of the connection and which is equipped with a suitable locking device to prevent accidental separation of the towing vehicle and the towed vehicle.

State Law reference— Similar provisions, K.S.A. 8-1475a.

Traffic means pedestrians, ridden or herded animals, vehicles and other conveyances, whether singly or together, while using any highway for purposes of travel.

State Law reference— Similar provisions, K.S.A. 8-1477.

Traffic-control signal means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

State Law reference— Similar provisions, K.S.A. 8-1478.

Traffic-control signal preemption device means any device instrument or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

State Law reference— Similar provisions, K.S.A. 21-4223.

Traffic infraction means a violation of any section of this chapter that prohibits or requires the same behavior as that prohibited or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118(c).

State Law reference— Similar provisions, K.S.A. 21-3105.

Trailer means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

State Law reference— Similar provisions, K.S.A. 8-1479.

Travel trailer means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.

State Law reference— Similar provisions, K.S.A. 8-1490.

Truck means every motor vehicle designed, used, or maintained primarily for the transportation of property.

State Law reference— Similar provisions, K.S.A. 8-1481.

Truck-camper means any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

State Law reference— Similar provisions, K.S.A. 8-1482.

Truck tractor means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load, other than a part of the weight of the vehicle so drawn.

State Law reference— Similar provisions, K.S.A. 8-1483.

Urban district means the territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses, situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

State Law reference— Similar provisions, K.S.A. 8-1484.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

State Law reference— Similar provisions, K.S.A. 8-1485.

Wide-base single tires means all tires having a section width, as specified by the manufacturer, of 14 inches or more.

State Law reference— Similar provisions, K.S.A. 8-1742b.

Wireless communication device means any wireless electronic communication device that provides for voice or data communication between two or more parties, including but not limited to, a mobile or cellular telephone, a text messaging device, a personal digital assistant that sends or receives messages, an audio-video player that sends or receives messages or a laptop computer. Wireless communication device does not include a device which is voice-operated and which allows the user to send or receive a text based communication without the use of either hand, except to activate or deactivate a feature or function.

Work-site utility vehicle means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, or not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side by side, and may be equipped with a bed or cargo box for hauling materials. The term "work-site utility vehicle" does not include a micro utility truck.

Write, send or read a written communication means using a wireless communication device to manually type, send or read a written communication, including, but not limited to a text message, instant message or electronic mail.

(Code 1964, § 36-1; Code 1988, § 35-1; Ord. No. 53410, § 1, 1-7-1975; Ord. No. 55191, § 1, 8-3-1976; Ord. No. 58345, § 1, 7-27-1978; Ord. No. 61738, § 1, 7-31-1980; Ord. No. 63953, § 1, 7-1-1982; Ord. No. 64705, § 1, 9-20-1984; Ord. No. 64834, § 1, 7-1-1985; Ord. No. 65069, §§ 1, 2, 10-16-1986; Ord. No. 65198, § 1, 9-3-1987; Ord. No. 65342, § 1, 8-18-1988; Ord. No. 65343, § 1, 8-18-1988; Ord. No. 65479, §§ 1, 2, 11-16-1989; Ord. No. 65589, § 1, 12-20-1990; Ord. No. 65822, §§ 1-3, 7-8-1993; Ord. No. 66164, §§ 1, 2, 10-17-1996; Ord. No. O-44-02, § 2, 6-6-2002; Ord. No. O-19-04, § 1, 3-4-2004; Ord. No. O-2-05, §§ 1, 2, 1-6-2005; Ord. No. O-103-06, § 1, 10-5-2006; Ord. No. O-8-08, §§ 1, 2, 1-31-2008; Ord. No. O-60-08, § 1, 9-4-2008; Ord. No. O-85-09, § 1, 11-5-2009; Ord. No. O-52-10, § 1, 9-16-2010; Ord. No. O-51-12, § 1, 9-6-2012; Ord. No. [O-49-15](#), § 1, 8-13-2015)

Cross reference— Definitions generally, § 1-2.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS 8th DAY OF NOVEMBER, 2018.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE adding the term “motorized stand-up scooters” to the ordinance regulating traffic-control signal legend, amending Section 35-102 to Chapter 35, Article XIV, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. That Section 35-102 to Chapter 35, Article XIV, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby amended to read as follows:

Sec. 35-102. - Traffic-control signal legend.

- (a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:
 - (1) *Green indication.*
 - a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left, unless, a sign at such place prohibits either such turn, but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection cautiously only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - c. Unless otherwise directed by a pedestrian-control signal, as provided in section 35-103, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
 - (2) *Steady yellow indication.*
 - a. Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

- b. Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in section 35-103 of this article, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(3) *Steady red indication.*

- a. Vehicular traffic facing a steady circular red or red arrow signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown, except as provided in subsections (3)b, (3)c and 3(d) of this section. Any turn provided for in subsections (3)b, (3)c and 3(d) of this section shall be governed by the applicable provisions of section 35-342 of this chapter.
 - b. Unless a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by subsection (3)a of this section. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Such vehicular traffic shall yield right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - c. Unless a sign is in place prohibiting a turn, vehicular traffic upon a roadway restricted to one-way traffic facing a steady red signal at the intersection of such roadway with another roadway restricted to one-way traffic which is proceeding to the left of such vehicular traffic may cautiously enter the intersection to make a left turn after stopping as required by subsection (3)a of this section. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction or roadways. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - d. The driver of a motorcycle ~~or~~, a person riding a bicycle or motorized stand-up scooter facing any steady red signal, which fails to change to a green light within a reasonable period of time because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle ~~or~~, bicycle or motorized stand-up scooter because of its size or weight, shall have the right to proceed subject to the rules stated herein. After stopping, the driver or rider shall yield the right-of-way to any vehicle in or near the intersection or approaching on a roadway so closely as to constitute an immediate hazard during the time such driver or rider is moving across or within the intersection or junction or roadways. Such motorcycle ~~or~~, bicycle or motorized stand-up scooter traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - e. Unless otherwise directed by a pedestrian-control signal as provided in section 35-103 of this article, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.
- (b) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions that by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.

(Code 1964, § 36-31; Code 1988, § 35-73; Ord. No. 53410, § 1, 1-7-1975; Ord. No. 53976, § 1, 7-22-1975; Ord. No. 64705, § 3, 9-20-1984; Ord. No. 66164, § 5, 10-17-1996; Ord. No. O-51-12, § 2, 9-6-201)

State Law reference— Similar provisions, K.S.A. 8-1508.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS 8th DAY OF NOVEMBER, 2018.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE authorizing the use of motorized stand-up scooters and other shared vehicle programs; amending Sections 35-686, 35-687, 35-689 to 35-694, 35-697 and 35-698 to Chapter 35, Article XIV, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. That Sections 35-686, 35-687, 35-689 to 35-694, 35-697 and 35-698 to Chapter 35, Article XIV, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, are hereby amended to read as follows:

ARTICLE XIV. - OPERATION OF BICYCLES, [MOTORIZED STAND-UP SCOOTERS](#) AND PLAY VEHICLES^[14]

Sec. 35-686. - Compliance; parental responsibility and scope.

- (a) It is unlawful for any person to do any act forbidden or fail to perform any act required in this article.
- (b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.
- (c) The provisions of this article that are applicable to bicycles [or motorized stand-up scooters](#) shall apply whenever a bicycle [or motorized stand-up scooter](#) is operated upon any highway or upon any path set aside for the exclusive use of bicycles [or motorized stand-up scooters](#) subject to those exceptions stated herein.

(Code 1964, § 36-209; Code 1988, § 35-621; Ord. No. 53410, § 1, 1-7-1975)

State Law reference— Similar provisions, K.S.A. 8-1586.

Sec. 35-687. - Traffic laws apply to persons riding bicycles [or motorized stand-up scooters](#).

Every person riding a bicycle [or motorized stand-up scooter](#) upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter except as provided in this article and except as to those provisions of this chapter which by their nature can have no application.

(Code 1964, § 36-210; Code 1988, § 35-622; Ord. No. 53410, § 1, 1-7-1975)

State Law reference— Similar provisions, K.S.A. 8-1587.

Sec. 35-688. - Applicability to motorized bicycles.

The provisions of this article shall apply to motorized bicycles, and every person operating a motorized bicycle shall be subject to the provisions of this article.

(Code 1964, § 36-217; Code 1988, § 35-623; Ord. No. 53410, § 1, 1-7-1975; Ord. No. 55191, § 11, 8-3-1976)

State Law reference— Similar provisions, K.S.A. 8-1592a.

Sec. 35-689. - Applicability to electric-assisted bicycles.

- (a) Vehicle registration and driver's license shall not be required for operation of an electric-assisted bicycle. Traffic regulations applicable to bicycles shall apply to electric-assisted bicycles except tricycles with no brake horsepower.
- (b) Privately owned electric-assisted bicycles shall be parked in areas specifically designated for bicycle parking. Privately owned electric-assisted bicycles shall not be parked on the sidewalk, in the right-of-way or in any of the areas prohibited in Sec. 35-698.

(Code 1988, § 35-624; Ord. No. O-19-04, § 13, 3-4-2004)

State Law reference— Similar provisions, K.S.A. 8-1592b.

Sec. 35-690. - Riding on bicycles and motorized stand-up scooters; seats; riders limited.

- (a) A person propelling a bicycle shall not ride other than upon or astride a permanent seat attached to the bicycle.
- (b) No bicycle or motorized stand-up scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Code 1964, § 36-211; Code 1988, § 35-625; Ord. No. 53410, § 1, 1-7-1975)

State Law reference— Similar provisions, K.S.A. 8-1588.

Sec. 35-691. - Clinging to vehicles.

No person riding upon any bicycle, motorized stand-up scooter, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

(Code 1964, § 36-212; Code 1988, § 35-626; Ord. No. 53410, § 1, 1-7-1975)

State Law reference— Similar provisions, K.S.A. 8-1589.

Sec. 35-692. - Riding on roadways and bicycle paths.

- (a) Every person operating a bicycle, [motorized stand-up scooter](#) or a moped upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near to the right of the roadway as practicable, except under any of the following situations when:
 - (1) Overtaking and passing another bicycle or vehicle proceeding in the same direction;
 - (2) Preparing for a left turn at an intersection or into a private road or driveway; or
 - (3) Reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving bicycles, bicycles, pedestrians, animals, surface hazards or narrow width lanes that make it unsafe to continue along the right-hand edge of the roadway.
- (b) Any person operating a bicycle, [motorized stand-up scooter](#) or a moped upon a one-way highway with two or more marked traffic lanes may ride as near to the left side of the roadway as practicable.
- (c) Persons riding bicycles [or motorized stand-up scooter](#) upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles [or motorized stand-up scooters](#).
- (d) Wherever a usable path for bicycles [and motorized stand-up scooters](#) has been provided adjacent to a roadway, bicycle riders [and motorized stand-up scooter riders](#) shall use such path and shall not use the roadway.
- (e) For purposes of this section, "narrow width lane" means a lane that is too narrow for a bicycle [or motorized stand-up scooter](#) and a vehicle to travel safely side-by-side within the lane.

(Code 1964, § 36-213; Code 1988, § 35-627; Ord. No. 53410, § 1, 1-7-1975; Ord. No. 66164, § 25, 10-17-1996)

State Law reference— Similar provisions, K.S.A. 8-1590.

Sec. 35-693. - Carrying articles.

No person operating a bicycle [or motorized stand-up scooter](#) shall carry any package, bundle or article which prevents the driver from keeping ~~at least one hand both hands~~ upon the handlebars. ~~This section shall not apply to persons with disabilities which prevent such operation or for momentary use of a person's hands for traffic signaling and other necessary purposes.-~~

(Code 1964, § 36-214; Code 1988, § 35-628; Ord. No. 53410, § 1, 1-7-1975)

State Law reference— Similar provisions, K.S.A. 8-1591.

Sec. 35-694. - Lamps and other equipment on bicycles [and motorized stand-up scooters](#).

- (a) Every bicycle [or motorized stand-up scooter](#), when in use between sunset and sunrise shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and either: (1) a red reflector on the rear which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle; (2) a lamp on the rear that shall emit a red light visible from a distance of 500 feet to

the rear; or (3) the operator of such bicycle or motorized stand-up scooter shall be wearing a device that emits a red or amber light that shall be visible from a distance of 500 feet to the rear.

- (b) Every bicycle or motorized stand-up scooter shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.
- (c) No person shall sell a pedal for use on a bicycle, unless such pedal is equipped with a reflector which is visible from the front and rear of the bicycle to which it is attached during darkness from a distance of 200 feet, and no person shall sell a new bicycle, unless it is equipped with pedals meeting the requirements of this subsection.

(Code 1964, § 36-215; Code 1988, § 35-629; Ord. No. 53410, § 1, 1-7-1975; Ord. No. O-37-17, § 1, 9-14-2017)

State Law reference— Similar provisions, K.S.A. 8-1592.

Sec. 35-695. - Use of coasters, roller skates, skateboards, and similar devices restricted.

- (a) No person upon roller skates or riding in or by means of any coaster, skateboard, toy vehicle, or similar device shall go upon any roadway except while crossing a street at a crosswalk and except upon streets set aside as play streets.
- (b) Roller skating and riding on a coaster, skateboard, toy vehicle or any similar device shall be unlawful on sidewalks at any location where signs are posted by the traffic engineer prohibiting such activity.

(Code 1964, § 36-216; Code 1988, § 35-631; Ord. No. 53410, § 1, 1-7-1975; Ord. No. 65479, § 21, 11-16-1989)

Sec. 35-696. - Motorized skateboards.

It shall be unlawful for any person to operate a motorized skateboard on any street, road, or highway.

(Code 1988, § 35-632; Ord. No. O-2-05, § 25, 1-6-2005)

Sec. 35-697. – Motorized Stand-up Scooters.

- (c) Motorized stand-up scooters are to be ridden on streets, and where available, in bike lanes and bike paths. Motorized scooters shall not be driven on any sidewalk. Motorized stand-up scooters are to offer the right of way to bicycles in bike lanes and on bike paths.
- (d) Motorized stand-up scooters shall not be driven at a speed of more than 15 miles per hour.
- (e) Vehicle registration and driver's license shall be required to operate a motorized stand-up scooter on the any street, road or highway.
- (f) No person under the age of 18 shall operate or ride upon a Motorized Stand-up Scooter unless wearing a helmet which complies with the requirements set forth in K.S.A. 8-1598, as amended.
- (g) Privately owned motorized stand-up scooters shall be parked areas specifically designated for bicycle parking or in parking spaces designated for motor vehicles. Privately owned motorized

stand-up scooters shall not be parked on the sidewalk, in the right-of-way, or in any of the areas prohibited in Sec. 35-698.

Sec. 35-698 – Parking of Shared Small Vehicles

1. Shared small vehicles shall be parked upright on hard surfaces in the area of the sidewalk closest to the travel lanes, beside a bicycle rack or in another area specifically designated for bicycle parking, or on the street next to an unmarked curb.
2. Shared small vehicles shall not be parked in such a manner as to block pedestrian movement on the sidewalk; any fire hydrant, call box, or other emergency facility; bus bench; or utility pole or box. The sidewalk shall have a minimum of 4 feet of clear space for pedestrian movement.
3. Shared small vehicles may be parked on blocks without sidewalks only if the travel lane(s) and a 6-foot pedestrian clear zone are not impeded.
4. Shared small vehicles shall not be parked directly adjacent to or within the following areas, such that access is impeded:
 - i. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
 - ii. Loading zones;
 - iii. Disabled parking zone;
 - iv. Street furniture that requires pedestrian access (for example - benches, parking pay stations, bus shelters, transit information signs, etc.);
 - v. Curb ramps;
 - vi. Entryways; and
 - vii. Driveways.

(h) Shared Small Vehicle Operation Agreement

Any person or company wishing to operate a Shared Small Vehicle program, as defined in Section 35-1, within the corporate limits of Kansas City, Kansas, shall enter into either an Operating Agreement or Interim Operating Agreement with the Unified Government setting forth the rules and regulations governing such operation. The County Administrator shall have the authority to approve all such Operating Agreements and Interim Operating Agreements if the County Administrator believes, in his or her discretion, that the agreement sufficiently addresses safety, education, costs, data-sharing and other regulatory needs of the Unified Government and its citizens.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS 8th DAY OF NOVEMBER, 2018.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 18462

Full Commission Meeting Date: 11/8/18

Committee: Public Works & Safety

Date of Standing Committee Action: 10/22/18

(If none, please explain):

Publication Required: Yes 11/15/2018

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
10/10/2018	Rob Richardson	x5774	Rob	Urban Planning & Land Use

Item Description:

Completion of an urban trail/bike lane system anticipates acquisition of property, right of way, or easements. The attached resolution declares the multi-phase Urban Trail/Bike Lanes Project to be a necessary and valid public improvement and authorizes a survey to determine what land is necessary for the Project.

Action Requested:

Approve.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

1 Resolution.Urban Trails.Bike Lanes

(Published _____)

RESOLUTION NO. _____

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the multi-phase **Urban Trails/Bike Lanes Project**, all in Wyandotte County, Kansas.

**BE IT RESOLVED BY THE COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land necessary for construction, maintenance, operation, use and repair of the multi-phase **Urban Trails/Bike Lanes Project**. The project is for the construction of new sidewalks, replacement of existing sidewalks, corresponding pedestrian walkways, and street and right of way improvements; included related signage, lighting and signals. This project is all in Wyandotte County, Kansas.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

**ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

THIS _____ DAY OF _____, 2018.

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

James Bain
Assistant Counsel



Staff Request for Commission Action

Tracking No. 18446

Full Commission Meeting Date: 11/8/18

Committee: Public Works & Safety

Date of Standing Committee Action: 10/22/18

(If none, please explain):

Publication Required: Yes 11/15/2018

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
10/01/2018	James Bain		James	Legal

Item Description:

Project Name: Safe Routes to School Phase F – CMIP 1613

A resolution declaring that this project is necessary and valid improvement project, submitted by James Bain, Assistant Counsel. This project is the construction of new sidewalks, replacement of existing sidewalk and corresponding pedestrian walkway improvements for William A. White Elementary/West Middle school along Welborn Lane from Georgia Avenue to N. 45th Street; Frances Willard Elementary school along Orville Avenue from N. 28th Street to N. 36th Street, including pedestrian walkway improvements at intersections. This Resolution directs the Chief Counsel to cause a survey and description of such parcels to be undertaken and prepared by a licensed land surveyor or a professional engineer to identify and describe the property to be acquired for this project, and to submit an Ordinance authorizing the exercise of eminent domain and to undertake all other necessary actions to complete the acquisition of such parcels.

Action Requested:

To adopt the resolution.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

1 Resolution.SRTS F Resolution

(Published _____)

RESOLUTION NO. _____

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the **Safe Routes to School Phase F Project (CMIP 1613)**, all in Wyandotte County, Kansas.

**BE IT RESOLVED BY THE COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land necessary for construction, maintenance, operation, use and repair of the **Safe Routes to School Phase F Project (CMIP 1613)**. The project is the construction of new sidewalks, replacement of existing sidewalk and corresponding pedestrian walkway improvements for William A. White Elementary/West Middle school along Welborn Lane from Georgia Avenue to N. 45th Street; Frances Willard Elementary school along Orville Avenue from N. 28th Street to N. 36th Street, including pedestrian walkway improvements at intersections. This project is all in Wyandotte County, Kansas.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

**ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

THIS _____ DAY OF _____, 2018.

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

James Bain
Assistant Counsel



Staff Request for Commission Action

Tracking No. 18444

Full Commission Meeting Date:

Committee: Public Works & Safety

Date of Standing Committee Action: 10/22/18

(If none, please explain):

Publication Required: No

<u>Date:</u> 09/27/2018	<u>Contact Name:</u> John Droppelmann	<u>Contact Phone:</u> x5938	<u>Contact Email:</u> jdroppelmann@kckfd.org	<u>Department/Division:</u> Fire Department
<u>Item Description:</u> 2018 Fireworks Report				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> City Fireworks Summary for 2018 PDF				



Michael Callahan
Fire Chief

KANSAS CITY KANSAS FIRE DEPARTMENT
Division of Fire Prevention

John Droppelmann, Fire Marshal
Fire Headquarters Building
815 North 6th Street
Kansas City, Kansas 66101



Phone: 573-5550
Fax: 551-0490

FIREWORKS SUMMARY FOR 2018

FIRE DEPARTMENT

Listed below is the summary of calls for service related to fireworks from June 29th to July 5th as obtained from the Communications Center, Inspector's accounts, and Fire Investigations.

9 calls received for fireworks related incidents:

- 1 EMS calls:
 - 1 Hand injuries
- 3 Tree fires-no monetary loss.
- 1 Port-a-Potty fire with property loss of **\$800.00**.
- 1 Grass fire-no monetary loss.
- 1 Dumpster fire with property loss of **\$500.00**.
- 1 House fire with property loss of **\$45,000.00**.
- 1 Miscellaneous fire.

Total approximate damage to property **\$46,300.00**. (This does not include medical cost to the patient of the EMS calls, either from Fire Department billing for transport or Emergency Room billing)

Inspections activities related to fireworks (44 Fireworks stands):

- Fire Marshal hours dedicated for the initial review and corrective reviews of the fireworks stand applications – **23 hours**.
- Commercial fireworks display (3-total) pre-permitting and field inspections—6.5 hours.
(Professional rate charge \$33.37 x 6.5 hours = **\$210.00**)
- 172.42 hours of Compensatory Time and 78 hours of Overtime accrued to inspect/oversee sales and displays. **(\$4114.50 {est} for the overtime)** ***these hours were minimized by the Inspectors coming in on their normal weekly working hours later in the day. As a result, the amount of time dedicated to normal daily business inspections was significantly reduced during this time period.

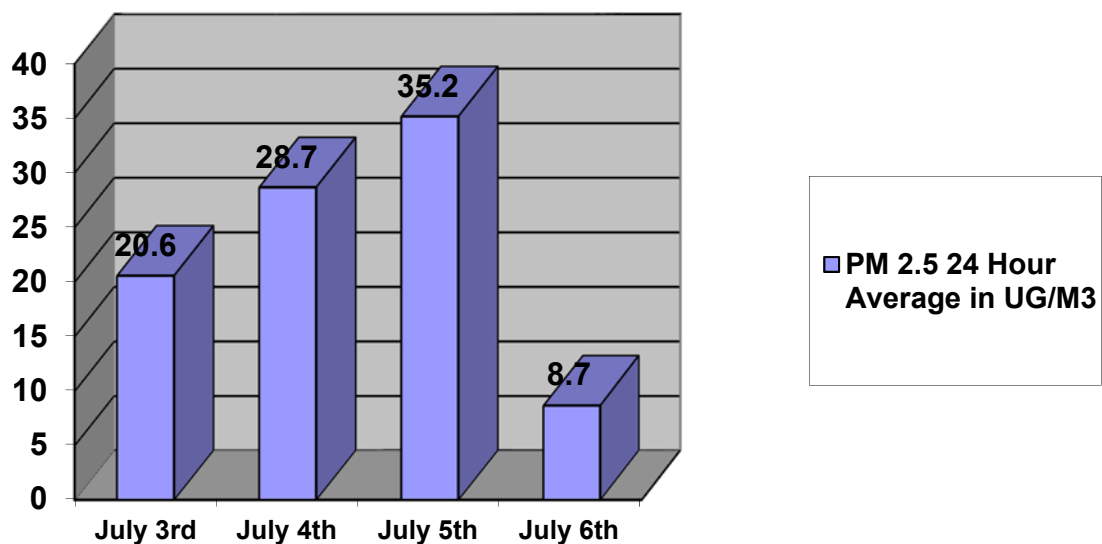
- 4154 miles driven by Inspectors and Fire Marshal.
(Fed rate \$.56 x 4154 miles = **\$2326.00**)
- 1 stand owner (1 additional under investigation) not in compliance with 'Leftover Inventory' reporting will be denied a permit for the next 2 years.
- 3 stand owners will be denied a permit for the next 2 years for observed violations.

Estimated cost to the Fire Department **\$6650.50**. (This does not include compensatory time accrued, mileage, fuel, and maintenance on the EMS units and Suppression units that responded to the above calls.)

DEPARTMENT OF AIR QUALITY

Data recorded by our continuous fine particulate matter monitor, located at the JFK Core monitoring site, 10th and State Avenue are displayed below. These data are from automated instruments and have not yet been quality assured for accuracy and therefore should not be considered final. A nine-hour period of fireworks emissions, from 2100 CST on July 4th through 0500 CST on July 5th, had a single high hour of 184.7 ug/m3 of fine particulates. This value tracks very close to historical data and is higher than last year.

The chart below indicates the 24-hour average of the hourly data for four days around the 4th of July. The National Ambient Air Quality Standard for fine particulate matter has a 24-hour standard of 35 ug/m3. The nine-hour period of high particulate matter straddling the 4th and into the morning of the 5th did elevate the 24-hour average for both days. The average on the 4th was 28.7 ug/m3, but the overnight meteorology did not clear the fireworks emissions very well. On July 5th the 24-hour average was right at the standard, 35.2 ug/m3. To be a violation the average must be 36 ug/m3 or greater, so we did not exceed the 24-hour standard. These data do indicate an increased health risk to individuals exposed to the elevated particle levels during this period.



PARKS AND RECREATION

The following is a summary of time, labor and expenses incurred by the **Parks & Recreation Department for park preparation and firework clean up** related to the fourth of July holiday. There was lighter than normal firework trash in the parks this year.

Supplies Purchased

1. Trash bags (\$42.00)

Damaged

1. Posting and removal of No firework signs (9hrs x 20.25=\$182.25)
2. Bonner Shelter F toilet (\$400.00) includes install
3. City Park Shelter picnic table burnt (800.00) includes install.

Total cost = \$1424.25

PUBLIC WORKS

The following is a summary of time and labor incurred by the Street Department for closure of streets during the Fourth of July holiday.

Street Closures

1. Delivery of barricades (48 man hours) = 1053.12
2. Pickup of barricades (48 man hours) = 1053.12

Total \$2,106.24

Public Works issued 11 neighborhood block party permit street closures this year.

BUSINESS LICENSING

There were total 44 fireworks stands

They paid total \$49,290.00 in license fees to operate.

They also posted a cash bond to insure removal of stand, debris and materials by 7-7-18

- 2 Fireworks Stands failed to have all debris and materials removed by 7-7-18.

Subsequent re-inspection to verify removal and clean-up was assessed against their cash bond

Sales tax numbers will always be reported a year behind.
Depending on how the fireworks stands file their sales taxes with the state, those numbers are not fully reported by KDOR until the following year.
The attached sales tax report are numbers for 2017 sales. 2018 sales would be expected to be comparable. Prior year totals are included for comparison.

TOTAL SALES TAX REVENUES to the Unified Govt. in 2017 from Firework Stands: \$34,399

TOTAL SALES TAX REVENUES to the Unified Govt. in 2016 from Firework Stands: \$35,695

TOTAL SALES TAX REVENUES to the Unified Govt. in 2015 from Firework Stands: \$30,019

SHERIFF'S DEPARTMENT

The Wyandotte County Sherriff's Department responded to 15 fireworks related complaints from June 29th through July 5th. Five (5) of these calls were made on July 5th. The categories of calls considered to have fireworks related implications were:

- Fireworks Complaint
- Loud Music/Noise Complaint
- Nature Unknown
- Shots Fired

KANSAS CITY KANSAS POLICE DEPARTMENT

The Kansas City Kansas Police Department responded to 374 fireworks related complaints from June 29th through July 5th. One hundred twenty-three (123) of these fireworks related complaints occurred on July 4th. The categories of calls considered to have fireworks related implications were:

- Fireworks Complaint
- Loud Music/Noise Complaint
- Nature Unknown
- Shots Fired

ESTIMATED TOTAL EXPENSES

FIRE DEPARTMENT	direct:	\$ 6,650.50
	Property damage:	46,300.00
PARKS & RECREATION	direct:	1,424.25
PUBLIC WORKS	direct:	2,106.24

Total: \$ 56,480.99 ***

***This does not include any patient medical costs, EMS transport costs, deferred inspections during this time, and any additional costs to the Police Department that have not been evaluated.



Staff Request for Commission Action

Tracking No. 18465

Full Commission Meeting Date: NA

Committee: Public Works & Safety

Date of Standing Committee Action: 10/22/18

(If none, please explain):

Publication Required: No

<u>Date:</u> 10/10/2018	<u>Contact Name:</u> John Kelly	<u>Contact Phone:</u> 573-5332	<u>Contact Email:</u> jkelly@wycokck.org	<u>Department/Division:</u> Building & Logistics
<u>Item Description:</u> New fire station update				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



Staff Request for Commission Action

Tracking No. 18466

Full Commission Meeting Date:

Committee: Public Works & Safety

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
10/11/2018	Jeff Fisher	x5415	jfisher@wycokck.org	Public Works

Item Description:

As in our annual process, Public Works is bringing before the Standing Committee an overview of the major capital improvement projects that will be undertaken by the Public Works Department during the 2019 year, and a recap of some of the projects that construction is carrying over from 2018.

These projects involve both Cash and Debt funding, and projects from the Engineering, Water Pollution Control, and Building and Logistics divisions of Public Works.

Action Requested:

For information only

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

2019 CMIP Projects Presentation Outline

2019 CMIP Projects:

Cash:

Engineering:

- Pavement Preservation
- Holliday Drive Reconstruction (Monitoring Phase)
- Safe Routes to School Phase F (WAW, West, Willard)

WPC:

- Annual System Rehab projects

Debt:

Engineering:

- Pavement Preservation
- Leavenworth Rd. Phase II – 63rd St to 78th
- Holliday Drive Bridges – Phase 2&3
- Bridge #223 36th and Ohio (replace 11th St. Bridge over Jersey Creek)
- Priority Traffic Signals

WPC:

- Sewer Maint. Facility Relocation
- Kaw Point Bio-Solids
 - Plant 20 Bio-Solids
- Piper Creek Interceptor
- Wolcott Treatment Plant
- Pump Station 18, 5, & 4 Upgrades
- 77th and Troup 96" Replacement
- Kaw River Bank Stabilization at Turkey Creek

Buildings and Logistics:

- City Hall Structural
- Juvenile Facility
- Health Dept. Building Upgrades

2018 Project Recap:

- Leavenworth Road, Phase I
- Downtown Grocery Store Infrastructure Improvements
- NRSA (Census Tract 422) Infrastructure Improvements

18468



Michael Callahan
Fire Chief

KANSAS CITY KANSAS FIRE DEPARTMENT
Division of Fire Prevention

John Droppelmann, Fire Marshal
Fire Headquarters Building
815 North 6th Street
Kansas City, Kansas 66101



Phone: 573-5938
Fax: 551-0490

SUBJECT: Grant award notification to Safety Standing Committee

RECIPIENTS: County Administrator, Doug Bach
Assistant County Administrator, Joe Connor
Unified Government Clerk, Bridgette Cobbins
Deputy County Clerk, Carol Godsil

Synopsis: The Fire Department's Fire Prevention Division's application for the FEMA (FY) 2017 Assistance to Firefighters Grant Program – Fire Prevention and Safety Grant in the amount of \$112,024.00 has been accepted and awarded by the Department of Homeland Security, submitted by John Droppelmann, Fire Marshal, Fire Department.

Grant Summary: This Fire Investigations Unit is the benefactor of this grant. This grant will allow the Fire Investigations Unit to engineer and deploy a 'pole camera' system for gathering evidence in arson cases. The Investigations Unit has identified areas of the City where it is common for stolen vehicles to be 'abandoned and set on fire', abandoned structures under reconstruction to be 'burglarized and set on fire', and persons of interest that are routinely associated with arson fires. This camera system will allow for surveillance of these pre-determined areas to be monitored in real time without having to dedicate additional personnel to this task.

This grant was applied for three times over the past three years with this year finally being successful. This FEMA grant has a 5% cost match of \$5,601.00 that the Fire Department will fulfill with current operating funds and in-kind services. The Fire Marshal's office has a target date of late winter/early spring of 2019 for the implementation of this system. When the system becomes fully operational the surrounding municipal fire investigations community will be allowed/encouraged to partner with the KCKFD Fire Investigations Unit to expand the system where needed.

Respectfully,

John Droppelman, Fire Marshal KCKFD